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GIFT OF
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JAMES NELSON BURNES.



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JAMES NELSON BURNES,

LATE A

REPRESENTATIVE IN CONGRESS FROM MISSOURI.

HIS LIFE, WITH A CONCISE REPRODUCTION OF HIS
SPEECHES AND DEBATES IN CONGRESS.

"Love is stronger than hate!"—JAMES N. BURNES.

BY

EDWARD W. DE KNIGHT,

HIS PRIVATE SECRETARY.

NEW YORK:
• A. C. MCCLURG & CO. :

CHICAGO:

A. C. MCCLURG & CO., PUBLISHERS.

1889.

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INTRODUCTION.

THE great veneration felt by the people of the State of Missouri for the character and services of their distinguished Representative in Congress, the late Honorable JAMES NELSON BURNES, together with the sincere regard and deep affection borne him by a wide circle of friends and acquaintances, both in private and public life, has encouraged the collecting and collating of his speeches and debates in Congress and their presentation in the following work. To his old and cherished friends such a volume will, no doubt, prove acceptable as a choice memorial of their associate. To those attached to him by the loving ties of kinship, particularly the worthy members of his immediate family, it is respectfully presented as a legacy, bequeathed to them most assuredly, but which it has been my good fortune to succeed in rescuing and giving convenient shape between these covers ; and which, it would seem, ought to be most precious since it comprehends the culminating work of his life—the work he was ardently pursuing when struck by the shaft of Death.

A collaborateur, and I trust I may appropriately apply the term to myself, undertakes a work of this character with feelings akin to those which move one who walks the ocean strand the morning after a wreck—when there comes drifting in towards him, like sorrowful messengers, the fragments of the good ship which has failed and sunk into the sea. These fragments along the shore ! what mute expressions of the lives of others—of departed friends, perchance, whose memory alone survives ! Here a bit of something may open up a flood of memories ; or even a scrap of a letter may cause the tears to unbidden flow. Whether along the edge of the sea or on the silent, solemn shore of that vast

(iii)

ocean on which some precious soul has recently sailed forever from us, the same fragments drift in to us and are as sacredly treasured away.

The speeches of Mr. BURNES were seldom prepared. As a rule, they were extemporaneous. Several of those which he selected for distribution among his constituents have been placed in the forefront of the volume. The debates have been diligently collected from the records of Congress, and carefully compiled. It was found necessary to condense them materially, but great care has been taken both to preserve their substance and all the remarks, observations, and comments of Mr. BURNES, and retain unbroken the thread of every discussion.

As an apology for the biographical sketch, I beg to say that I was not aware until quite late in the day that its preparation would fall upon me, as it was expected that the narrative would emanate from some other quarter. Aside, therefore, from the trepidation with which the sketch was undertaken, it was written somewhat hastily and under the discouragement of the summer heat.

Concerning the work as a whole, I only regret my shortcomings in performing what to me has been a labor of love ; for it is a token of veneration for the memory of one whom it was my pleasure and honor to serve, in a confidential capacity, for nearly five years ; and upon whose grave I would reverently lay this humble tribute.

EDWARD W. DE KNIGHT.

WASHINGTON,

July, 1889.

CONTENTS.

PORTRAIT.	
INTRODUCTION	PAGE. III
CONTENTS	V
LIFE	IX
 SPEECHES AND REMARKS OF MR. BURNES UPON:	
Appropriations, time and method of making	308
for public buildings	159
Army appropriation bill, August 1, 1884	14
Assay office at St. Louis, Missouri	444
Assistant Commissioner of Indian Affairs, increase of salary of	175
Black Bob Indian lands	304
Bureau of Education, removal of	404
Central Pacific Railroad Company	274
Chinese Exclusion act	443
Committee on Appropriations, jurisdiction of	300
Consular and diplomatic appropriation bill, May 14, 1884	69
January 10, 1885	133
February 12, 1887.	256
Conference report on consular and diplomatic appropriation bill, July 5, 1884	121
general deficiency bill, August 3, 1886	243
Creek Indian lands	146
Deficiency appropriation bill, June 16, 1884	109
July 2, 1886	176
Senate amendments, July 29, 1886	236
Conference report, August 3, 1886.	243
February 28, 1887	272
July 28, 1888	346
Senate amendments, September 26, 1888	405
Establishment of a United States ordnance factory, August 15, 1888	394
Estimates and appropriations,	43
Expenses of United States courts.	310
Findings or awards, Court of Claims	228
French Spoliation Claims	370-390
undelivered argument upon	447
Fortification bill, August 1, 1888	14

	PAGE.
Government securities, printing of	397
HASKELL, Hon. DUDLEY C., death of	I
Indian appropriation bill	146
Industrial Home in Utah Territory	422
International Boundary Survey between the United States and Mexico	399
Investigation of construction of Washington Aqueduct tunnel	408
Jefferson City, Missouri	252
Judgments, Court of Claims	189
Judicial Districts in Missouri	66, 252
Jurisdiction of Committee on Appropriations	300
Leavenworth and Rio Grande Railroad Company	344
Leaves of absence	387
Legislative, Executive, and Judicial appropriation bill, June 10, 1886	173
February 27, 1887	270
May 26, 1888	343
Manufacture of heavy ordnance, Army warfare	28
Missouri Judicial Districts	66, 252
Missouri Press Association, welcome to St. Joseph	467
Naval Advisory Board	166
Non-resident alien stockholders	199
Oklahoma	147
Press Association of Missouri, speech of welcome to	467
Printing Government securities	397
Public buildings	317
Public buildings, appropriations for	159
Public land strip	417
Public printing, deficiency in appropriation for	249
Relief for yellow-fever infected districts	406, 407
Reduction of salaries	270
Secret-service fund, State Department	4
Senate amendments to general deficiency bill, July 29, 1886	236
September 26, 1888	405
urgent deficiency bill, March 15, 1888	333
Soldiers' claims	361
Speech of welcome to Press Association of Missouri, at St. Joseph	467
St. Joseph, Missouri	68, 252, 467
Strike on Missouri Pacific Railroad, in the Southwest	248, 302
Suspension of the Rules to pass deficiency bill, February 25, 1885	155
Temporary Navy appropriation bill, July 5, 1884	132
Timber for mining and domestic purposes	33
Time and method of making appropriations	308
Tobacco tax rebate, appropriation to pay	61
United States courts, expenses of	810

CONTENTS.

VII

	PAGE.
Urgent deficiency bill, March 5, 1886	161
Urgent deficiency bill, March 3, 1887	278
special, January 11, 1888	283
February 14, 1888	306
Senate amendments, March 15, 1888	333
Utah Industrial Christian Home	422
Watervliet Arsenal, Troy, N. Y., establishment of a United States ordnance factory at, Aug. 15, 1888	16, 394
Washington aqueduct tunnel	408
War ships, construction of	167
RESOLUTIONS OF CONDOLENCE:	
Appropriation Committee, House of Representatives'	477
Democratic Congressional Convention at St. Joseph, Mo.	480
House of Representatives	475
Kansas Senate	477
Missouri General Assembly	477
Pocahontas Tribe No. 10, I. O. R. M.	478
Senate United States	474
St. Joseph City Council	478
colored citizens	480
trades' assembly	479
Turnverein	479

LIFE OF JAMES NELSON BURNES.

JAMES NELSON BURNES was born in the State of Indiana, August 22, 1827. He sprang from a Scotch-Irish ancestry of honorable and excellent report, though distinguished for no illustrious attainment. We would fain linger to contemplate its source and the way whence it came ; for there is always sincere pleasure to be reaped in treading the by-paths that lead up to the lives of men whose characters we would study and whose deeds we would emulate ; were it not that by so doing we would deviate too far from the path of our narrative, which follows the line of modern events rather than of those more remote.

En passant, we may observe, however, that with the aid of divers records and genealogical data—rare morsels of personal story which all well-established households indulge natural pride in gathering from the wake of their progenitors, and hoarding away for the edification of posterity—we may trace back the connection of the name “Burnes” through a goodly number of generations, until we catch its echo along the verdant slopes of the Doon and among the bonnie braes of Scotland. Indeed, there is every reason to believe that it is descended of the same ancestral line from which issued the luckless lover of Highland Mary. But this is of trivial consequence. We know, however, that the father of the poet Robert Burns originally wrote his name “Burnes,” or “Burness,” in which fashion it came to him, but the son, with poetic license, banished the “e” and inscribed himself simply Burns.

The Scotch-Irish constitute a happy medium between grave solidity on one hand and sparkling humor on the other ; between stubborn steadfastness and a clever sagacity, and as well between uncommon combatativeness and dauntless valor. Withal they are a noble race—virile, robust and hardy in physique, vigorous in intellect, unselfishly patriotic, bold, scrupulously just and profoundly religious ; yet their sturdy, almost rugged, characters are mellowed by tender sensibilities and gentle spirits.

The grandfather of Mr. Burnes came to these shores in the early morning of American history. He settled in the Old Dominion (as the State of Virginia was then, and is still, happily designated) and tilled the soil of a farm hard by the

ancient town of Fredericksburg. The colonies were at that time pregnant with the dissensions with England which gave birth to the War of the Revolution, the inceptive hostilities of which occurred several years after his arrival. Quickly did he enlist his strength in behalf of his adopted country; and his memory is as balm to his descendants of the existing age, in whose thoughts he is enshrined as one of those exalted characters of the Revolution so vividly portrayed as "minute men"—an humble son of Cincinnatus—prepared at an instant's signal to abandon the plow in the furrow and shoulder his long-barreled flint-lock for the defense and perpetuity of the divine-given right to enjoy life, liberty, and the pursuit of happiness.

It was during these troublous times that James Burnes, the father of the subject of this sketch, made his advent into the world. He was born on the Spottsylvania county farm, February 14, 1779, about three years before the smoke from the guns at Yorktown, the decisive battle of the War, had lifted from the horizon of American Independence.

On December 29, 1805, he married Mary Thompson, a handsome, warm-hearted girl of a worthy family residing in the adjacent county of Culpeper. The fruit of this marriage was five sons, of whom James Nelson Burnes was the fourth, his birth occurring, as already mentioned, on the 22d of August, 1827, in the State of Indiana, to which place his parents had migrated and where their home was then located. There, on the bosom of the great grassy plains of that region, the young bud of humanity blossomed away the first summers of his boyhood. In his tenth year circumstances formed which provoked the pioneer spirit of his father, and determined him to move his family still farther in the wake of the setting sun. This was occasioned by the following event:

In 1837 the Federal Government purchased from the Sac and Fox tribe of Indians, and opened up to settlement, an extensive tract of land embraced between the then western boundary of the State of Missouri and the Missouri river. This territory, which was subsequently annexed to the State of Missouri, is commonly known as the "Platte Purchase." It was toward this new country that James Burnes lifted his eyes; and within its capaciousness he had transplanted his little family ere the close of the year 1837, establishing them at a point on the "Big Muddy" where now stands the town of Weston.

In those days Chicago and St. Louis were sparse settlements in the "far West," and all that vast region beyond the Mississippi ranging from the sand hills of Dakota to the verdant savannas of Texas and westward to the Rockies, extending to the remote Pacific, was a mysterious *terra incognita*—its great wastes untrodden by white men, and disturbed only by the casual irruptions of predatory bands of savages.

As a natural sequence, the Indiana farmer discovered the region into which he had penetrated to be a wild, unbroken wilderness, save where the occasional log cabin of some adventuresome pioneer peeped from between the trees of the forest or obtruded more prominently upon the view. Yet a land riper or more promising the beams of Phœbus never fell upon. Its soil was fertile and its aspect picturesque. To one side the turbid Missouri, gliding on its silent and majestic course seaward, the country was part rolling and part upland, at times softening away into beautiful landscapes of grassy plains and rich woodland, and again frowning boldly and precipitously upon the discolored water of the river; while away off, across the stream to the westward, and partly screened by a fringing of trees, rolled the boundless prairie, still the dominion of the elk, the wild horse, and the buffalo, and the hunting-ground of the Indian.

There, on the picket line of civilization, the lithe young stripling was set out to grow. It was an auspicious school in which to train a young heart. The fresh, pure air of the prairies invigorated and strengthened. The forests were glorious in all their pristine beauty. Nature reigned supreme. All was free, unrestrained, and as yet unwithered by the breath of civilization. Bred up in environments of this sort, and in the companionship of the hardy, aggressive men of the frontier, is it strange that the young son, when grown to mature life, should look with ill-content upon the artificialities of society and abhor effeminacy, cant, and unnaturalness in all their phases and vagaries? He admired legitimate methods. He loved to be natural. He delighted in the rumbling of thunder and in the tumult of the tempest rather than in the voluptuousness of the ball-room. Indeed, it is an incident worthy of recital that one of the strange pleasures of Mr. Burnes' life was that of going forth at night into the rage of a storm and baring his massive frame to the pelting of the rain and the bluster of the gale.

The minds of "Jim" (the diminutive by which he was known to his juvenile friends) and his brothers were early tutored in the ordinary schools of the neighborhood; and, when not under the discipline of their preceptor, the boys assisted their worthy father in the care and management of the farm.

As time grew apace Platte county, which encompassed Weston, grew populous with excellent families, and many villages assumed the semblance of prosperous towns.

In his nineteenth year James graduated from the Platte County High School.

Among the families that had settled in Northwest Missouri was that of Phineas Skinner, a shrewd, valiant Kentuckian, whose forefathers had, long years before, blazed the path of civilization through that State and established themselves amidst the beauties of the blue-grass region. This good man was blessed with several

estimable daughters, one of whom, Mary by name, "Jim" met and became enamored of. Their marriage followed in the year 1847. Mary Skinner was a beautiful girl, with a sweet, lovable disposition, and possessed of a high order of mind, which well became her. This union resulted in much happiness to both parties, and, like wine, it grew better and sweeter with the increase of years.

Developing a propensity for the law, his brothers, with that magnanimity of spirit and fraternal love which has prevailed with them in their devotion to one another all through life, assisted him with their means to secure a legal training at the Harvard Law School. He was now in the dawn of manhood—lusty and athletic, with a pleasing countenance, quick eye, and a symmetrical body well toughened by generous use.

His entry into the halls of the university introduced his steel to a finer metal than it had crossed in the crude districts of the Missouri Valley, for here he encountered the æsthetic culture and subtle suavity of the East, as well as the urbane chivalry and lethargic luxuriance of the South, neither of which he desired to wholly acquire, but their virtues he sought to emulate. Frank and honest in disposition, he soon found lodgment in the estimation of his fellow-students, and by his convivial spirit realized a liberal popularity, which, in the second year of his term, secured him the presidency of the Parliament of Harvard Law School.

Under the impressions created by his university experience he early manifested those traits which were so potent in his character in mature years. An incident is related of his susceptible nature at this time. One of the students, whom he held as a sincere and affectionate friend, sent him a letter, it appears, preferring charges of a very humiliating and mortifying character against him. The communication being an open one, its contents were notorious and aggravated the severity of the obloquy. He suffered, however, not so much from the open shame to which he was subjected as from the wound which the treachery of his friend had produced. It annoyed and pained him the more he meditated upon the hand that had inflicted it, the faith that had been broken, the confidence reposed violated, and, verily, the inconstancy of human nature generally. For several days he remained in ignorance as to the motive for the attack made upon him, when, being unable to endure the suspense longer, he boldly and frankly approached his friend, and, taking him by the hand (as he was wont to do many years later when seeking a reconciliation or an understanding between himself and some valued friend), requested that he divulge the secret of his enmity. The young man was disconcerted and surprised at what he heard, and directly and firmly informed him that the letter was a complete forgery, contrived by malicious minds. Burnes was so moved on receiving this intelligence, which at once confirmed the sincerity of his friend and belied the

presumed abuse of his own honorable sentiments, that his strong heart softened and he wept like a little child.

Xerxes, at Thermopylæ, seated upon an eminence viewing his glittering legions of infantry and chariots forming in order for battle in the plain below, wept at the thought that all the glory and power there represented must so soon pass away, and he and his ambition for conquest sink into oblivion. In the first picture we perceive a man weeping for joy at the restoration of peace between himself and a friend, and lamenting the injustice done in suspecting his faithfulness. It pointed to a sensitive nature, and tender emotions of which he remained possessed even in advanced years. In the second we behold a powerful ruler bewailing the fate that must sooner or later terminate his operations for subduing nations and destroying great armies of men.

In 1852, while in his twenty-fifth year, he received the degree of Bachelor of Laws and graduated from the University. The past had been a season of preparation and probation, and he now looked out over the great ocean of life into whose trials and vicissitudes he was about to launch. Never did mariner scan the horizon reaching away into the future more curiously, as if wondering what fortune it might have in store for him. With Youth at the prow and Fortune at the helm, we may fancy the exultation with which he embarked on his voyage of life, tending or to end he knew not where or how.

Returning to Platte county he ardently and zealously courted his adopted profession, the meanwhile indulging his commercial bent, which eventually proved to be one of the most potent of his qualities, in various directions, such as trafficking in real estate, and, particularly, buying and selling hemp on commission, Weston then being a great shipping point for that staple; nor did he fail to so control his public acts as to elevate himself before the people, for in the third year after his graduation he was elected to the position of circuit attorney for his judicial district, and in the same year he was chosen Presidential elector for his district, casting his vote for Buchanan and Breckenridge for President and Vice-President. These preferments had the effect of exalting him in the sight of the community, and secured for him a greater hold on their consideration.

His exercise in the law having grown quite active, and numerous successful business ventures having netted him considerable gain, his means were now materially increased and fortune was gently filling his sails when mutterings from the black clouds of war, which were piling up in huge grandeur in the Southern sky, foretold the desolation soon to sweep over the face of the nation, and turned people's thoughts into channels other than those of money-getting. Guided by the course pursued by his State, he remained, with that Commonwealth, steadfast in his alle-

giance to the Union; and, while not entering actively into the conflict, he attached himself to the militia of the State for such services as that body might be required to perform. His rank was that of colonel, a title which adhered to him ever afterward and familiarized felicitously him with his friends.

In 1867 he received a sore affliction in the death of his brother Daniel, who had always been associated in business with himself and his younger brother, Calvin. The blow was a severe one to them, nor were they soon in recovering from it. The six children of Daniel, who were left in a sad condition by his demise, for death had deprived them of their good mother not a great while before, were gathered by Mr. Burnes into his own household, he adopting them as his own, and extending to them the same bountiful love and fatherly devotion with which his great heart enveloped his own precious sons. This act is one of the brightest upon the pages of his life.

In 1868 he had won such favor in the eyes of the people, as well for his abilities as his personal virtues, that he was elevated to the distinction of judge of the Court of Common Pleas of Platte county, in which position he won great credit for his skillful interpretation of the law and his wise administration of justice. He retired from this high office in 1872, and also from his private practice of the law, to which he had now been devoted for quite twenty years.

Approaching this period, proceeding with due caution, he had gradually become involved in the affairs and disputations of politics, and now stood somewhat prominent in civic concerns. In 1856 he launched forth into the campaign then inaugurated and, with added experience, into that of 1860, at which times he did effective work as a speaker, for he early discovered his aptness in this direction, and through the exercise of this capacity he soon developed unusual smoothness and power in oratory, which secured him great reputation in the campaign of 1870.

From the inception of the war to 1870 he affiliated with the Republican party, and was a member of the State Republican Convention of 1870, which, being torn asunder by dissensions, nominated, respectively, two complete tickets for State offices—one headed by Governor Joseph McClurg, and the other by Governor Gratz Brown and known as the Liberal Republican ticket. Mr. Burnes identified himself with the Liberal Republican movement. The question arose concerning the enfranchising of those who had been disenfranchised because of their disloyalty to the Union during the war. Mr. Burnes advocated a liberal policy in dealing with the measure, and in support thereof distinguished himself for his oratorical abilities. He was earnest and impassioned in delivery, and in the exuberance of speech there fell from his lips the expression that “LOVE IS STRONGER THAN HATE.” What tenderness and peace the admonition conveyed, and how unconsciously the

speaker had epitomized himself, revealing the delicate centrifugal force which held his own life in harmony with itself—that of restraining by the power of love what resentment and animosity repelled.

On retiring from the bench, in 1872, Mr. Burnes quieted his affairs in Platte county and removed to St. Joseph, Mo. It was not without some troubled feelings that the old home at Weston was abandoned, for about it clustered many sweet and, alas! also bitter memories; for it was there, a brief way out on the hill slopes, that rested the earthly remains of his worthy father and mother; and affectionately near them, in the same consecrated inclosure, slept the cherished form of his beloved brother Daniel. Yet his quick apprehension discerned the advantages that would accrue from identifying himself with a commercial center of so much assurance as that offered by St. Joseph, and prejudiced him to move to that city.

We find him entering this new field with augmented fortune and altered ideas as to his future course. Already possessed of large political power, he determined to diligently exert his energies in the development of a commercial and financial career which would eclipse his previous efforts in that direction and result in rousing into activity the slumbering resources of the great West. His initial action was the establishment of the Bank of St. Joseph, afterwards the National Bank of St. Joseph, the presidency of which fell to his brother Calvin, who was indissolubly associated with him in all his business operations.

From now on he was engaged in a series of business enterprises so diverse and numerous that they are not easily traceable. They comprehended the construction of railroads, the building of monstrous bridges, extensive transactions in the purchase and disposition of large landed properties, and the promotion of various public enterprises. Indeed, he built the second railway that wended its iron pathway through that region, denominated the Weston and Atchison Railway Company, of which he was president. He was also largely instrumental in the construction of the Chicago and Southwestern railroad from Leavenworth, Kansas, to Ottumwa, Iowa, which subsequently formed a part of the Chicago, Rock Island and Pacific railway system. In 1875 he secured the water-works plant of the city of St. Joseph, an extensive system, and was president of the company up to the day of his death. He was also a member of the original Town Company of Leavenworth and Atchison. He had watched the growth of these two cities from his door in Weston, for they lay not over ten miles to the westward of that borough. In both places he possessed large holdings in real estate, beside other interests. Some years later his paternal love was gratified to witness the election of one of his sons, Calvin Carr, to the mayoralty of Atchison, where he had met and married an excellent lady and was then there residing.

It was also his judgment which divined the fabrication of the noble bridges spanning the Missouri at Leavenworth and Atchison, by the completion of which two gigantic States were brought into closer communion, and a new epoch signalized in the progress of local commerce and trade. On the 25th of September, 1875, the citizens of Atchison congregated to appropriately celebrate the consummation of these public works so significant in their history, on which occasion a splendid discourse was delivered by the Hon. John J. Ingalls (who at the time of the death of Mr. Burnes was President of the United States Senate), in the course of which he said :

“But there is one other man to whom, more than all, perhaps, this is due, a man in whose great brain the idea was first conceived, in whom it originated, and who has pushed it forward to its triumphant conclusion, a man who is not only one of the first and master minds in Missouri, but also one of the master minds in the Northwest and of this continent ; and I say, further, that full justice will not be done him until at the eastern approach of that bridge stands a statue in bronze of Colonel James N. Burnes, of Missouri.”

This was a fitting tribute to the discriminating intelligence, the inflexible constancy, and enduring courage of a man who, by the magnitude of his accomplishments and public benefactions, had both exalted himself in the eyes of the people and immortalized his memory to future generations.

In the midst of this career, and two years after the last-named event, he was assailed by a calamity which, it appeared, would inevitably drive him upon the rocks of destruction ; but the magnificent manner in which he weathered the tumult, emerging quiet and serene, a little battered in feeling, perhaps, but with his fortune unhurt, is a living evidence of the remarkable power and depth of his business and financial qualities. The circumstance is graphically recited in the following quotation from a eulogy upon Mr. Burnes' death delivered in the United States Senate, February 29, 1889, by the Honorable George G. Vest, a Senator from Missouri, to whom he was for many years a warm and sincere friend :

“In 1877 the banks in which were deposited the funds belonging to the State treasury of Missouri suspended payment, and for this reason there was a deficit of \$1,004,000.00 in the State treasurer's accounts, of whom Colonel Burnes was the principal bondsman. The disaster was so sudden and unexpected that it found him totally unprepared, and his ruin seemed inevitable. His enemies, personal and political, seized with avidity upon the opportunity for securing his downfall, and a partisan press exhausted epithet in denunciation of him and his party. The State treasurer—than whom a more honest and incorruptible officer

never held a public trust—was indicted in the courts and proceedings begun in the General Assembly for his removal. In the litigation which ensued I was of counsel for the treasurer and his bondsmen, and was authorized by Colonel Burnes to propose to the State authorities that if the right of action against the defaulting banks should be assigned to him and his associates upon the treasurer's bond he would pay the deficit into the State treasury. The offer was accepted, and every cent paid without loss to the Commonwealth. Never did any man pass through a more terrible ordeal, but when the storm was fiercest and others cowered before it Colonel Burnes exhibited such courage and fertility of resource as won even from his enemies admiration and respect."

In the eight or ten years which up to this time marked his career from his removal from Weston, in 1872, he had cut out for himself a luminous path in the financial and commercial world. His exploits, as a rule, were distinguished for their magnitude, their public character, and the exceptional executive and administrative skill which they exacted. They comprehended the States of Iowa, Nebraska, Kansas, and particularly his own State; and his reputation as a man of wealth, intelligence, and influence was surpassed by no other in Missouri, while it stood high in the entire Northwest, as well as in the great mercantile and financial centers of the country.

In the city of St. Joseph, however, his reputation and influence were even more potent than elsewhere, for he was looked up to as one of the substantial citizens of that place, with varied and significant possessions which affected nearly every interest of any moment, either public or private.

He had now advanced well towards the highest altitude of prosperity and public regard, and was, no doubt, taking a quiet retrospection of a long and active career at the bar, on the bench, in business, and, to some extent, in politics, when he received, the summer of 1882, a call from the Democratic party (with which he had affiliated since 1870) of Northwest Missouri to become their nominee for Congress.

The petition was signed by nearly all the prominent merchants, bankers, and business men, representing every interest and vocation in the community of St. Joseph; and there were likewise sent to him numerous similar appeals from every part of the country comprising that Congressional District. This proffered honor found him at a most propitious juncture, just when he was aspiring fresh conquests and new objects upon which to whet his talents.

It was, therefore, with confidence and unfeigned willingness that he consented to become the standard-bearer of his party in the approaching contest; and he accepted the tender in the following expressive language:

“ST. JOSEPH, MO., *July 17th*, 1882.

“GENTLEMEN: Your public communication asking me to allow my name to be presented to the approaching Congressional Convention of the Democratic party of the Fourth District has received that serious and respectful consideration due to the request of so many representative citizens of the ‘Platte Purchase.’ No mere formal reply on my part would be consistent with my respect for you, or my appreciation of the flattering call with which you have honored me. To you, therefore, and through you to many whose earnest solicitations have not received public announcement, I feel it a duty to make a plain and frank reply.

“To be the object of your selection in a call signed so generally by representatives of the business, labor, and agricultural interests of Buchanan county, and to be singled out from among so many worthy, eminent Democratic statesmen within our district, and who join in your call, is a tribute within itself (whether followed by a realization of your wishes or not) of which I shall ever cherish an inexpressible pride, for the good-will and confidence of my neighbors are more to me than any possible honor or reward from official position.

“The burden you would impose upon me is the nomination of my party for Representative in the Forty-eighth Congress, with the contingent responsibilities added of serving the whole people of our district for the period of two years. It involves the absolute and unconditional surrender and abandonment of my rights as a free laborer to labor in my own business for the obligations and labors of a public servitude that must make the common interest of all the people of the district the sole measure of my constant action. Such a burden carried successfully in faithfulness and devotion to the people who intrust it confers honor as well upon the Representative as his constituents; but a nomination and election merely afford the opportunity to achieve that honor or lose it, together with the favor of the people, by selfishness, incompetency, or inactivity. The Democratic party, whose nomination must be a condition precedent to my candidacy (and, indeed, of many other parties), seems more intent than ever before upon the protection and advancement of all the mighty material interests of this great district. We have begun to teach the Representatives of other States and districts that the Missouri river is a great inland sea. The lesson must be energetically continued. With two hundred and fifty miles of unbroken front on this great sea, our district must be the teacher and the leader. Its Representative securing a reduction in the cost of getting to the best markets with our agricultural, commercial, and manufactured products will accomplish a work of enduring benefaction. The admirable railway systems of the six counties of the district, connecting the interior portion with this great water route to the markets of the world, have done much for the improve-

ment and development of our agricultural and other interests, but the neglect, injustice, and inequality of appropriations by the National Legislature for the permanent improvement of the Missouri river should be fearlessly exposed and denounced.

"The convenience of the people with regard to the transaction of their business in United States courts should be a grave consideration with their Representative, and an equality of right in the construction of Federal court-houses, post offices, and custom buildings in our district should be his stern and persistent demand.

"The Representative of such a district as this of the 'Platte Purchase' should see in our vast agricultural capabilities the basis of prosperity and the life of and incentive to our overshadowing commercial and manufacturing industries. He should be an earnest worker for everything that gives contentment, independence, and happiness to the working men and women of the district, and, if possible, a barrier against all encroachments of capital upon labor, as well as an open advocate of the equal rights of all.

"Against every species of monopoly and of special privileges to a few at the expense of the many the Representative must pronounce unrelenting hostility. The public lands should be held for actual settlers, the public money should be economically and fairly expended, and the public credit should ever be preserved without lending it to adventurous schemes or allowing it to be used as a basis for any paper currency that the Government can safely issue.

"How far I could succeed in meeting my own estimate of a Representative's duty or the public expectation experience only will correctly determine. I think you have done me no more than justice by expressing your belief that I "have at heart the interests of the Fourth Congressional District of Missouri," in which my destiny was cast with the first pioneers.

"Concerning the wisdom and appropriateness of your preference I am undetermined and uncertain in my own mind. Of course, it is not unpleasant for me to contemplate your complimentary action, or believe myself possessed of the qualifications you so generously ascribe to me; but it is to be remembered that there are other communities and other gentlemen who have opinions and preferences which are yet to be heard and which must be considered and respected. It is my earnest desire that you confer and counsel with them, interchanging opinions for the purpose of ascertaining and communicating reliable information and correcting erroneous impressions, to the end that success, unity of action, and harmony may attend the final action of the party; and here, upon the threshold of the first campaign in this new district, upon the results of which may depend much that is of permanent interest to us all, I am unwilling to withhold my assent to the request you have

made; and if your announced preference is seconded with a good-will by the other counties interested, and it becomes the desire of my party, I will be its candidate. I do not expect entire unanimity, nor substantial disaffection. That our banner will be carried above a column unbroken with political brethren 'who ask nothing but what is right and submit to nothing that is wrong' I have every reason to expect, and therefore I promise you, without reservation or condition, to leave no duty to my party or to the whole people of this district unperformed, whether as a candidate or a Representative in Congress.

"With personal thanks to each one of you, gentlemen, I am, very respectfully,
"JAMES N. BURNES."

The convention followed one or two months later, when he was formally nominated for Congress. On that occasion he appeared before the delegates and delivered the following speech of acceptance:

"Mr. President and Gentlemen of the Convention:

"Having received formal notification of your official action, I appear before you to acknowledge with profound sensibility my grateful appreciation of the high honor conferred upon me. As the chosen representatives of the National Democratic party you have designated me as a banner-bearer for the campaign, now rapidly approaching, in the new district of the historic 'Platte Purchase,' in which I have lived continuously since 1837—forty-four years ago! Seeing neither faction nor fragment of our party in the honored faces before me, confident that your action has been fairly and freely authorized by the great constituencies you represent, and believing that it is the result of your calm, deliberate judgments, I cannot loyally decline to yield an unconditional submission to your honorable demand. He who accepts the honor of his party's nomination must bear a full share of his party's burdens. Therefore I promise you to carry your flag with untiring industry and continuous zeal into every township of every county in the district; and I but emphasize my own determination by reminding you that neither the industry or zeal of your nominee nor your own enthusiastic exertions will lead us up to a complete success, unless all of our political brotherhood march to the November polls, through every trial and labor, shoulder to shoulder, hand in hand, and heart with heart, in that true spirit of political honor and unity that gave birth to our unselfish, matchless motto: Union, harmony, concession—everything for the cause, nothing for men.

"We will have the right in this contest, and it will be a pleasure to appeal for support to thoughtful men of other parties, because our intentions, like our political creed, are openly and boldly declared—nothing hidden, nothing reserved.

“We demand, for all alike, the defense and advancement of all the mighty material interests of this grand district.

“We demand that everything unjust to or onerous upon men or women engaged in manual labor shall be utterly stricken down.

“We demand that agricultural pursuits and productions be encouraged and made free from all unjust discriminations in favor, too often, of gluttonous patentees and soulless monopolists.

“We demand that our great mercantile, commercial, and manufacturing industries be zealously fostered, extended, and strengthened.

“We make an unconditional demand that our great rivers be systematically improved, so that many of our farms, cities, and towns may be saved from ruin, and all our people may have cheap transportation to the markets of the world for their vast and varied productions.

“We demand the strictest integrity and economy in the expenditures of the public money and a perfect equality in all taxation, whether in the form of duties upon imports or by the agencies of the internal revenue officers of the Government.

“We demand a like equality in all appropriations for national works of improvements, and we believe that this demand, firmly insisted on, will command the respect and confidence of every part of the National Government.

“We demand civil and religious liberty, absolute and impartial, for every American citizen, and declare, as of old, that our sympathies are with the poor, the oppressed, and down-trodden of every land and that the American Union is, and shall ever be, an asylum and a refuge, on terms of equality and honor, for every lover of individual, personal liberty.

“We demand that the sanctity of American citizenship at home and abroad shall ever have instant and effective defense and protection by the Government, its foreign ministers and agents, regardless of all courtly forms or lordly frowns.

“With intentions and purposes thus plainly foreshadowed, liberal-minded men may be relied upon to forego much of partisan feeling or prejudice, especially as they realize that a Democrat in Congress is and will be a representative of all the people and of the interests of all the people, regardless of creed or race.

“Gentlemen, to each and every one of you and to every one you represent I feel myself beholden for compliment, favor, or forbearance. The record of my life is some guarantee that in future efforts to deserve your friendship I will earnestly strive to repay you for past and present kindness.

“In the contest now at hand I beg you to remember that I am only one, with you and of you, in a common cause—the weak, humble instrument with which you would execute the wishes of a great party. Elder or abler political soldiers in this

district, more competent than myself to lead, might easily be selected, and my assistance might be more effective from the ranks than from the front; but it is yours to command and mine to obey. Whatever the consequences personal to myself, whether beneficial or destructive, I pledge you in your every aim and effort, in all your work, your contests and your every battle, my constant and fearless co-operation.

“With faith and deep humility I receive from your hands the unstained banner of the Democratic party, and will bear it through this proud district in knightly honor to the close of a campaign that ought, for the general welfare, to crown your labor of this day with a glorious success.”

The campaign opened in the early Fall of 1882.

An opportunity had now ripened for his enemies to wreak their wrath and, if possible, secure his overthrow, for numerous foes had fastened upon him—like barnacles worrying the progress of a good ship—during his thirty-three years of active and aggressive life, when he had dealt and received numerous sturdy blows and avoided no adversary; for the attainment of success and power is beset with obstacles and hostilities, which, like weeds in a garden path, when trampled upon, linger in the throes of their hurt till, perchance, some opportunity serving, they again spring up in vain obstruction of unhalting progress. So also is the highway to political achievement and glory ambuscaded with antagonists and rendered treacherous by the masquerading of one's friends. It was, therefore, such a field, bristling with impediments and thick with the flings and darts of malevolence and hate, that confronted him; but he entered into the contest with all the fire and enthusiasm of a dragoon at the charge at Balaklava. The harsher and more bitter grew the attack, the fiercer became his retaliation. It was the diverging point of his life. The future quivered upon the moment, for defeat now meant defeat forever. He fought as if time wasted him and posterity stood appealing to him. His influence, his talents, his eloquence, all were made subservient to success. His presence was seen everywhere, in public and in the working places of the laboring people. His voice was heard on the highways and in the hamlets; and his lieutenants in every direction were receiving his admonition and injunctions. At length, on the second Tuesday in November, the siege terminated, and he retired from the contest weary, worn, and bearing many a cruel hurt. But in the mid watches of the night a sound crept to his ears, faintly at first, like the flowing of a distant tide, then growing deeper and louder, until the roar of acclaiming thousands swelled about him; and a strange radiance touched his swarthy face and quickened the twinkling of his gray eyes, for that sound told him that the trophy was within

his grasp, the goal reached. He was elected by a gratifying majority, and had brought within the Democratic ranks a district which had for many years been strongly Republican.

The Fourth Congressional District is located in the northwest corner of Missouri, bordering Iowa and Nebraska, and is probably the most pleasant and desirable section of the State. It comprises six counties: Andrew, Atchison, Buchanan, Holt, Nodaway, and Platte.

Passing over an interval of several months, we find Mr. Burnes arriving at Washington a few days before the third of December, 1883, the day prescribed by the Constitution for the assembling of Congress. On that day he for the first time answered the roll-call as a member of the House of Representatives, his colleagues from Missouri being William H. Hatch, Armstead M. Alexander, Alexander M. Dockery, Alexander Graves, John Cosgrove, Aylett H. Buckner, John J. O'Neill, James O. Brodhead, Richard P. Bland, Charles H. Morgan, Robert W. Fyan, Lowndes H. Davis.

We are inclined to believe there must have been a moment during this day, so eventful in his life, when he found himself musing upon past scenes and early friends. We fancy that at length his thoughts reached out to enfold those in his distant home; then returning and hovering a moment over the scene spread out around him, as if to inquire its real significance, whirled away again into the future in search of secrets, and frolicking with fancy until they became lost—perhaps far beyond the stars.

True, he was not of a speculative mind; but there are tranquil spots along the pilgrimage of existence, where the most stoical, at times, are prone to linger and indulge in those reveries of the past and fancyings as to the future, which soothe the senses into a soft, sweet melancholy; and such influences he was quite susceptible to; and, after all, what are we “but such stuff as dreams are made of.”

The first official distinction accorded Mr. Burnes in his new career was his appointment on a committee to escort to their final resting-place the remains of the Honorable Dudley C. Haskell, a Representative from Kansas, whose death occurred on the 16th of December. Mr. Burnes was absent on this mournful duty when, on the 24th of the same month, the appointment of the committees of the House of Representatives was announced. He was assigned to the Committee on Appropriations, then consisting of Messrs. Randall, Forney, Ellis, Holman, Hancock, Townshend, Hutchins, Follett, Burnes, Keifer, Cannon, Ryan, Calkins, Horr, and Washburn.

The Committee on Appropriations is burdened with more onerous duties, and clothed with greater authority than any other committee of the House. Hence it

is a distinguished compliment to a new and inexperienced member to be appointed thereon.

When Mr. Burnes returned to Washington, the Christmas holidays having the meanwhile passed, he devoted himself assiduously to mastering the rules of the House and the detail and methods of committee work. His affability and unostentatious demeanor soon gained him friends among representative men of note whom he met; and, being possessed of keen apprehension, he garnered up, as he went along, many valuable observations.

On January 24, 1884, in a debate upon a measure providing for an appropriation to meet a rebate on the tobacco tax, he addressed the House for the first time. The subject was not one upon which to spend any eloquence; but he managed the bill, which, as a member of the Committee on Appropriations, he had reported to the House, with such cleverness and firmness that his ability as a parliamentarian and debater was clearly manifested; for it is quite an unusual happening and indicates a ready conception and large native force for a new member, so soon after his admission, to conduct a debate before the House. In this instance Mr. Burnes assumed the direction of a debate involving important items of legislation, a trifle more than a month after entering Congress. He had a rule always to acquire the way of doing a thing as quickly as his wits would permit, and to enter upon its accomplishment without delay, and the incident just mentioned is a point in fact. He seized with avidity upon his Congressional duties, and, that he might the better apprehend them, strictly divorced himself from all other business and extraneous matters.

His second address was delivered on the 28th of February following, when the House was paying its tribute to the memory of the late Honorable Mr. Haskell, of Kansas, whose death has already been mentioned. Mr. Burnes and Mr. Haskell had been good friends and were from neighboring States. The memories exhaled by this friendship inspired Mr. Burnes to the delivery of a eulogy, which afforded the House for the first time an opportunity to appreciate his characteristic eloquence. Rising from his seat, his deep, rich voice swelling to the farthest limit of the great hall, he uttered an encomium of such exquisite tenderness, and so touching, that it seemed to vibrate the sympathies of all who heard him. The impression made on that occasion is gracefully described in the following words from a eulogy delivered in the House of Representatives upon Mr. Burnes himself by the Hon. John D. Long, a Representative from and at one time Governor of Massachusetts:

"He was delivering an address," says Mr. Long, "upon the life and character of Dudley C. Haskell, of Kansas, a member of the Forty-eighth Congress, who had recently died and to whom the House was then paying its tribute of respect.

Himself a picture of magnificent physical power and health, nothing seemed less probable than that five years from that time the House should be paying its like tribute to James Nelson Burnes. Those of us who were there recall the graceful and appreciative touch with which he portrayed the characteristics of him whom, coming from the adjoining border of a State adjoining his own, he denominated his 'neighbor,' or the felicity with which he wove the laurels of Missouri and Kansas around the name of Dudley Haskell till it seemed as if the noble river which is a boundary between those two great States, distinctively representative as they are of the two great political forces of the Republic, was a river of their common tears poured out to Haskell's memory. It was in this appreciative strain, it now seems also like a prophetic strain, that Mr. Burnes then uttered these words, so significant of himself, but one short month ago :

" 'Elected a member of this Congress, his responsibilities were enlarged by the general recognition of his intellectual power. He seemed to realize the fact, and prepared himself to meet it. No command of his physicians, no appeal of his anxious friends, could swerve him from what he believed to be the path of duty. He believed the mind should dominate the body, whatever the stress or strain. He had thought much upon legislation, and saw, or thought he saw, the work of his hands in former Congresses about to be reviewed by his political adversaries. The sharp, keen conflict of mind with mind and system with system was already before his eyes. He saw the coming all-night vigils and the glare and heat of the fierce onset—the thrust, the parry, and the parliamentary blow. The tumult of action and cheers of victory resounded in his ears as, unconsciously, his vital force was departing, pitifully ominous of the end. At his post of duty, overtaxed and overburdened by the peculiar exactions of Congressional life in this House, the lamented Haskell, like many another, died a martyr to his moral convictions of official obligation.'

"So, too, died James Nelson Burnes at his post, struck down like the younger Adams on the floor of the House of the Representatives of the people."

One of the distinguished persons whom Mr. Burnes early met in Washington, is the Hon. Samuel J. Randall, of Pennsylvania. This illustrious statesman, who occupies so eminent a position in the admiration of the American people and whose integrity as one of the chief stewards of the country's finances for more than twenty years, remains as immaculate as did that of Aristides, was not slow to perceive the latent force of character and resources of the new member placed upon the Committee on Appropriations, of which he was chairman. This estimation was enhanced by the reputation Mr. Burnes had already made for himself; and secured for him not only uncommon consideration from Mr. Randall, but established an intimacy between the two men which was interrupted only by death.

As a result Mr. Burnes was, at the beginning, made chairman of the subcommittee on the consular and diplomatic appropriation bill; a mark of respect second only to that bestowed when he was originally appointed on the Appropriation Committee proper. The imposition of this responsibility opened up a great field of labor, the most comprehensive and technical in character, for it required a thorough knowledge of the entire foreign relations of the country, its needs, the number of representatives abroad and the salary paid to each, and the law bearing on appropriations generally, whether they were to be reduced, increased, or some created anew. He engaged himself immediately and unceasingly with the work before him; and on May 14, 1884, reported the completed bill to the House, and ably conducted it through the turbulent debate which it aroused. The final report on the bill from the conference committee of the Senate and House, which was not submitted until July 5, nearly two months later, contained a provision for a secret-service fund to be employed during negotiations with a foreign government and admittedly in subservience of the interests of the United States. The House had been sitting the entire day and night, hastening its labors so as to be able to adjourn finally on the morrow; but, notwithstanding the unpropitious hour, for it was then three o'clock in the morning, Mr. Burnes undertook to and did defeat the clause; and in so doing delivered a speech burning with eloquent indignation against such statecraft, so discordant with the spirit and genius of our institutions. Indeed, the effort exists as one of the best examples of his impassioned oratory.

Mr. Burnes had been assigned also to the subcommittee on deficiency appropriations. Mr. Randall was, in truth, chairman of this committee, but, being hard pressed by other public duties, he turned over the work to Mr. Burnes, who stood practically at the head of the committee, for he reported the bill to the House and managed it while under debate. This additional responsibility brought upon him the supervision of two momentous appropriation budgets, and from the outset burdened him with weighty and exhaustive duties. In the Forty-ninth Congress he was officially designated as chairman of the Committee on Deficiencies, which position he held up to the day of his death.

The preparation of the deficiency bill involves a vast deal of complicated labor. It extends to every branch of the public service, and its provisions aggregate many millions. Nor is the labor of the subcommittee on deficiencies confined to the formulating of one bill, for it frequently happens that four or five are required during a single session. For instance, in the first session of the Fiftieth Congress there were four distinct deficiency bills reported to the House. The assignment, therefore, of Mr. Burnes to the head of this committee is further evidence of the high confidence Mr. Randall placed in his superior ability.

The Honorable William S. Holman, of Indiana, in a eulogy upon the death of Mr. Burnes, refers to the important duties which appertain to the Committee on Deficiencies, and the judgment displayed by Mr. Randall in making Mr. Burnes chairman of that committee.

"He was made," he relates, "at the outset by Mr. Randall, then and still chairman of the committee, a gentleman whose large experience in Congress and admirable judgment of men rendered a mistake almost impossible, chairman of the subcommittee on the consular and diplomatic bill and later on of the general deficiency bill, one of the most important of the fourteen great appropriation bills—a bill on which countless forces, official and unofficial, seek to crowd almost countless items, certified and uncertified, running back through many years and swelling into vast millions. It is a bill every item of which requires painstaking, protracted, and patient labor. Judge Burnes, while actively participating in the preparation of the other great bills of that committee and the current business of the House, had that particular bill especially under his charge, and it is to be placed to his honor that in the many millions of dollars involved in that bill, covering a vast multitude of items and running back through many years in successive sessions of Congress, not an error or mistake has ever been found."

Again he says: "When he brought the bill into the House with its aggregated millions of dollars he was the master of every detail, and was prepared to meet every motion to enlarge its volume. Not one of that great mass of discredited claims which year after year seek a favorable opportunity to reach the Treasury ever escaped his observation, yet a demand that was just, no matter how long it had been delayed, met with his prompt recognition."

Mr. Burnes introduced the bill mentioned to the House on the 16th of June. He had previously reported the consular and diplomatic bill, which at this time, June 16, was under consideration in the Senate.

On the 7th of July Congress adjourned. Entering it in December, entirely new as to Congressional methods, he had, in one session of seven months, worked himself to the front rank of distinction, and planted his colors conspicuously on the field of debate. On May 17, in the same session, he made a cogent and graceful argument upon a bill rearranging the judicial districts of Missouri. On the 29th of the same month he spoke at some length against a proposition to abolish the assay office at St. Louis, and by the effectiveness of his speech prevented the passage of the measure. The day before adjournment he was appointed on a special committee on ordnance and ship-building; which was instructed to pursue its investigations during the recess.

One of the most singular phases of Congressional life, is the numerous innocuous individuals who, by some impulse of Fortune, find an apparently ready entrance into Congress, particularly into the House of Representatives. Such accidental statesmen, as it were, are presumably deputed by the people to represent them in the National Legislature ; but they are usually of too rare modesty to accomplish much of anything in that direction. Their voices are never audible in the disputations that prevail ; and, in truth, they, "by inaction, degenerate into mere oysters," in so far as their presence or existence tends to ruffle the tide of current events, either within or without the Capitol at Washington. On the other hand, there are men who lift themselves into prominence and above their fellows with a force as potent yet subtle as that which raises the coral reefs above the surface of the sea. These are the men, comparatively few in number, who shape legislation ; and the contrast between them and those who instinctively follow their lead, is as vivid as lightning. The last named constitute great luminaries in the quarter of the political firmament whence they came, but before the brilliant minds of the House they fade into obscurity as do the stars on the approach of day. Mr. Burnes, however, was already great in his district, but he was a far greater man in Congress. His labors were national in character. The full importance of this his constituents could not well realize. He was a statesman upon a broad basis, a legislator for the country at large ; and, we came near saying, he was sequestered from his district in the discharge of the more important duties of national legislation ; and yet he at all times faithfully guarded the interests of his district and promptly responded to the demands of his constituents, securing all that they ever requested of him.

Mr. Burnes returned to St. Joseph immediately upon the adjournment of Congress. In the autumn of this year, 1884, he was again nominated for Representative in Congress by the Democratic party of his district, and during October and November was involved in his second campaign, the contest being desperately conducted by both political factions. The people of his district, however, were quite satisfied with his tenor in Congress, and indicated their appreciation by re-electing him by an increased majority over his preceding vote ; hence it was with sensations of gratification and justifiable pride that he repaired to Washington, close upon the first day of December, to attend the second session of the Forty-eighth Congress, and to receive the congratulations of his colleagues in the House.

The second session of each Congress following, as it does, the elections for Representatives, which, as provided by the Constitution, occur throughout the country every two years, its convening affords a favorable opportunity for the returning

members to compare notes as to the drift the conflict assumed in their respective districts, and to offer congratulations, or extend sympathy to one another, as the exigency of each case may require. Therefore, when Mr. Burnes appeared again among his friends at the Capitol, he was both open to their congratulations, and constrained to sympathize with many who had not proved as fortunate as himself.

As a second session continues but three months, there is a great deal of hard labor crowded into that short time. Mr. Burnes was, therefore, constantly engrossed with the Appropriation Committee work, from December until March 4, 1885, when Congress adjourned *sine die*. His attention was first turned to the consular and diplomatic appropriation bill, which he reported to the House January 10th. It was debated three days, and then sent to the Senate. On the 21st of the same month he addressed the House upon the Indian appropriation bill. Toward the close of February he reported the deficiency bill, which he had passed under a suspension of the rules after a spirited debate. With a few remarks upon some appropriations for public buildings, delivered a few days before adjournment, he closed his career in this session.

In the nine months intervening between March, 1885, and the meeting of the Forty-ninth Congress, in December, Mr. Burnes continued at home, with the exception of several pilgrimages made to Washington in behalf of the St. Joseph public building, for which he had secured a supplemental appropriation during the last Congress, and to further the claims of many partisan friends, who aspired to office; for now that the party, of which he was an adherent, held the reins of government and controlled official patronage, there appeared a bewildering host of applicants who, if not for their works, at least by virtue of their allegiance, expected to share in the distribution of the spoils; and turned their faces toward him as the medium through whom these coveted prizes could be secured.

The procuring of appointments to office is a cause of the greatest vexation and annoyance. Indeed, the power to appoint to place, if possessed even to the most limited extent, is the most undesirable and dangerous prerogative to which a public man is heir. The vicissitudes and tribulations which it entails are countless. It involves him in a maze of confusions. It confuses him with his friends and implicates him with his enemies, thus entangling him most distressingly. It invokes on him more imprecations than blessings; interposes a cloud, as it were, between the Administration and himself; and at length confounds him between the devil and the deep blue sea!

Mr. Burnes was not a politician in the full interpretation of the word. He was fond of legislation, and liked to be a member of a legislative body, but he abhorred the ways of modern politics. He considered it an enviable honor to be a member

of Congress; to be selected by the people to represent them in the councils of the most progressive, the most powerful, and the grandest nation under the heavens; yet he deplored the questionable methods by which elections to such positions are effected. He believed that the eternal principles of right should govern in all things; that the patriotism and self-denial of the citizen should rise superior to mere selfishness; for the strength of a republic reposes in the virtue of the people, and in the character of the men whom they invest with power.

True, he was himself shrewd, constantly alert to foil his foes, and persistent in asserting his rights; yet he loved frankness; was keenly sensible to injury and injustice, and shrank from the contemplation of outraged friendships and confidences betrayed.

The opening of the Forty-ninth Congress, in December, 1885, found Mr. Burnes again in Washington for an extended sojourn. In the organization of the House of Representatives he was reassigned to the Appropriation Committee, and also apportioned to the Committee on Education. As formerly mentioned, it was in this Congress that Mr. Randall formally invested him with the chairmanship of the subcommittee on deficiencies. The meetings of the Committee on Education were faithfully attended; and he devoted much attention and zeal to the questions coming before it. By March, 1886, his subcommittee had formulated an urgent deficiency bill, and secured its enactment into law. In June the regular deficiency budget was reported. During July he delivered a speech upon non-resident stockholders' tax; participated actively in the debate on the legislative, executive, and judicial appropriation bill, and also pronounced some pungent comments upon deficiencies in the diplomatic service.

On April 15, 1886, he was appointed by the Speaker on a select committee to investigate the cause of the labor disturbances on the Missouri Pacific railroad, in the Southwest. This appointment may very appropriately be cited as forming a prominent circumstance in his Congressional career. The duties of the committee comprehended the investigation and, if possible, settlement of one of the most extensive railroad strikes recorded in the annals of labor, which threatened both individual and public safety, and virtually blocked the avenues of commerce throughout the greater portion of the Southwest. In the Fiftieth Congress the result accomplished by the committee was slightly referred to by a Representative from Pennsylvania. Mr. Burnes rose and made the following reply, which we quote, because the outcome of the investigation is given in his own words:

"Mr. BURNES. Mr. Speaker, the gentleman from Massachusetts seems to be oblivious to the fact that when that committee (referring to the Committee on Investigation of Southwest Railroad Strike) reached the Mississippi river the governors of three States were in consultation, unable to devise a proper remedy to quiet the excitement and suppress the disturbances then existing. Commerce was paralyzed; cities of that country were without business or life; railroad trains were stopped, and men were in the throes of anger and distress, were practically under arms. He seems to forget the fact that within twenty-four hours after the arrival of this committee in the city of St. Louis peace was restored and commerce made free. [Applause.] He seems to be oblivious to the fact that the committee, with the illustrious war governor at its head, made serious and earnest recommendations in its report to the House, after detailing all the facts and circumstances, which recommendations——

"Mr. DAVIS. I hope the gentleman will not occupy the floor longer in my time. I yielded to the gentleman for a moment, not for a speech.

"Mr. BURNES. I will yield to the gentleman out of my time. I say he seems to have forgotten the fact that this committee, in summing up all the evidence taken upon that occasion, added a recommendation to the House and the country——

"Mr. DAVIS. I must object to the gentleman entering into a vindication of the committee in my time.

"Mr. BURNES. I only desire to say, with the consent of the gentleman from Massachusetts and in response to his own statement, that the committee alluded to recommended seriously and solemnly to Congress to place every railroad employé under the control of the Government, as the employés of steamboats carrying interstate commerce on navigable rivers and the high seas are placed by existing law."

Mr. Burnes was absent from Washington quite a month on this work. He was a leading spirit in the workings of the committee, and was also largely concerned in the formation of the report (which comprised a good-sized volume) of its proceedings, as submitted to the House of Representatives.

In November of this year (1886) he was elected to Congress for the third time. He was early in attendance upon the convening of the second session of the Forty-ninth Congress, in December, and was industrious from the outset. He reported three appropriation bills from his subcommittee during the three months of this session; the first, supplying a deficiency in the funds for public printing, being submitted within ten days after the meeting of Congress.

February 17, 1887, he delivered a speech upon a measure providing additional United States courts for the State of Missouri. Some amicable contention and

rivalry arose among the colleagues from his State as to the location and arrangement of these courts. The Representative from Jefferson City, in particular, opposed the bill because it contemplated depriving that city of the Federal court already existing there, for the benefit of some other section of the State. Mr. Burnes, in a happy, good-natured mood, hooted at the ambitions of Jefferson City, and depicted the advantages of that metropolis in the following humorous strain, which we recite from a portion of his speech :

“The distinguished gentleman,” he says, “in his effort merely to discharge his duty to a small portion of his constituents, seems to oppose this bill on the ground that he is opposed in general to United States courts ; but he has such a court at Jefferson City, and the love of its advantages and conveniences drives the boarding-house keepers in that place to insist upon his denying to others equality of right thereto.

“The people of Jefferson City are very charming, but their necessities are numerous and great. The bar association of that place, like the bar, has become a ghastly joke. The bar association of Jefferson City! Will wonders never cease?

“Professor Parsons, in Harvard law school, gave his class one morning an illustration of the absolute barrenness of the ‘absolute rights of persons’ as defined by Blackstone, saying that he once read a book entitled *Wolves in Iceland*, and the first paragraph declared ‘there are no wolves in Iceland.’ So of the bar association of Jefferson City, substantially. There is no bar association of Jefferson City—I had almost said there is no bar in Jefferson City.

“Jefferson City, it must be stated, is a very small town. If it were not the capital of the State and the site of the penitentiary it would be the solitary and unbroken abode of innocuous desuetude, for business or industrial pursuit there would be as profitless as on a lone rock in the vast center of the great sea. * * *

“But my friend representing the Jefferson City district, whose district lies in that part of Central Missouri south of the Missouri river, was born, congressionally, to a better estate. It was a sort of ‘Cesarean operation’ that delivered Cole county into his jurisdiction and made him feel that it was his duty to compel unwilling citizens to sojourn beneath the scrubby oak and dwarfed pine growing doubtfully on the yellow clay of that inhospitable soil. To stop the ‘hash-house’ business of Jefferson City, or in the slightest to diminish it, will create more commotion in that city than ever agitated the Ephesians in their manufacture of wooden gods.

“But my distinguished colleague sees no necessity for courts at St. Joseph, Hannibal, or Springfield. He sees no public demand for them. Of course not ;

why should he? Jefferson City cannot see beyond her municipal limits. The public demand for these courts is not in Jefferson City nor with the alleged bar-risters of its bar association."

In the closing period of this session circumstances of such extraordinary embarrassment occurred in connection with Mr. Burnes' management of the general deficiency bill, that we may be indulged in relating them.

When the bill was returned from the Senate it contained an amendment providing for the payment of a claim made by the Central Pacific Railroad Company, involving several millions of dollars. This corporation is one of the most powerful land-grant railroads of the country, and is indebted to the United States for an amount vastly greater than that contained in the claim. After a thorough examination, Mr. Burnes concluded that the claim was unjust, and ought not to be paid. Repeated conferences on the bill rendered it obvious that unless he and his associate House conferees retreated from the position they assumed, and suffered the liquidation of the claim, the bill would fail.

The situation was provokingly harassing. To recede implied the appropriation of millions, which he felt ought not to be paid; to refuse to yield imperiled the payment of immense sums, and particularly thousands of claims to Union soldiers and their widows and orphans. Though sorely pressed, Mr. Burnes did not waver.

"The hour of final adjournment fixed by law," says the Honorable Mr. Holman, one of his distinguished colleagues on the Appropriation Committee, "rapidly approached, and every influence which policy, interest, and power could suggest was brought to bear to induce him to recede from his position, but he stood by his convictions with the firmness of a rock which had defied for centuries the rage of the ocean.

"He understood well the severe criticisms he would encounter if the bill failed in his hands, for but few such events have occurred in our history, but he did not falter. He brought hastily into the House a bill embodying the most pressing and meritorious provisions of the bill in dispute, and on his motion it was instantly passed by the House and sent to the Senate. Almost at the last moment concession was made to his views, but it was too late and the bill failed. Happily no material public inconvenience resulted from its failure; the ends of justice were secured and this noble example will remain upon the records of Congress forever of unflinching firmness in the performance of a public duty."

In attacking the claim before the House Mr. Burnes was severely eloquent. There was no embroidery in his language. He was cold and clear.

"The Central Pacific Railroad Company," he began, "owes this Government more than \$60,000,000 for bonds and money paid by it in interest thereon. This fact is conceded. The Government owes the Central Pacific Railroad Company \$2,000,000 or more for transportation. This fact is conceded. Have we not the right to credit the Central Pacific Railroad Company with the \$2,000,000 on account, or place that amount to the company's credit in the sinking fund ready for the final day of settlement, which the people have determined shall come.

"But it has been said that the debt of the company to the United States is not due. What of it? The company has had the bonds of the United States for twenty years, and on them we have regularly paid the interest for the benefit of the company, and all on a contract binding the company to repay the great sum thus lent it. Is not that company chargeable with fraud—fraud upon its great creditor? When fraud can be charged successfully, an attachment on a debt not due will be maintained.

"Was not a specific act of fraud proven on the floor of this House only a few days ago by the evidence of an honored member as to a specific act of misappropriation of money by the company? In the money thus misappropriated the Government had a specific and lawful interest; to a part of it a clear right. Yet it was taken, if not embezzled, by the company to pay for services on one of the very branch lines claimed by the company as having independent rights, although a leased line, as it is called. If we could rely upon facts and circumstances almost universally believed to be true, every member of this corporation participating in its management and control would be declared by a jury of their countrymen, if a prosecution were instituted, better fitted for the prison-house than for the councils of statesmen.

"Sixty million dollars and more justly owing to the United States! Sixty million dollars out of the public Treasury and in the pockets of the managers of the Central Pacific Railroad Company! An admitted debt! A beneficent loan! Whether technically due or not makes no difference. It is a debt. It is in danger. Acts of fraud have been committed and great loss is threatened to the United States. The Government owes the Central Pacific Railroad Company \$2,000,000. We propose to owe it until some adjustment of the \$60,000,000 due us by the company is secured or a repayment made.

"They say they have a judgment. A judgment! There is no judgment. There was a judgment rendered upon kindred claims to the amount of some \$22,000 only; but in that suit none of the equities or rights of the United States were necessarily considered. Suit was begun in the Court of Claims. The petition was filed, and was met by a demurrer on the part of the Government. Judg-

ment was entered on demurrer. An appeal was gravely taken to the Supreme Court. Of course, the judgment was sustained, properly sustained, as none of the equities of the United States or the frauds of the company were in issue.

“What the court would have decided in case the whole of the facts and circumstances had been placed before it in a bill for relief is not for us now to speculate upon or determine. It is sufficient to note that, by the authority of the sovereign people, this Government has the power to do justice and pay this corporation what we owe it, offsetting our claim against theirs. This is the conclusion the committee have reached—the conclusion of justice or right, common sense or public duty.”

As the eulogist we have just quoted states, the claim was defeated, but the bill failed to become a law; yet several millions of dollars had been saved to the Government, and justice had prevailed. In a discussion in the first days of the next Congress, Mr. Burnes adverted to the cause of the failure of this bill:

“I am not making a general defense of the policy pursued in these matters,” he says in a debate upon the special urgency deficiency bill, “although I am prepared to do so on any proper and necessary occasion. While I blame no one here or elsewhere, yet I must state some facts of which the country seems to be ignorant. Now, while there was time to pass the executive, legislative, and judicial appropriation bill, and to have it approved by the President, yet it seems there was neither time to complete nor to have approved the general deficiency bill, nor the special bill we sent to the Senate. While there was not time to pass those bills, it seems there was time enough to take one special item out of the general deficiency bill which failed and pass it in the shape of a joint resolution through both Houses and send it to the President for his approval. This bill, read in your hearing a moment ago, could not be passed, we are told, but one of the other provisions contained in the bill which failed could be taken out, returned to the House, and sent to the President in time to become the law.

“Mr. MILLIKEN. What item does the gentleman refer to?

“Mr. BURNES. To the appropriation of \$25,000 to pay the expenses of certain Senate committees which were incurred in the discharge of some public or outside duty.”

The Forty-ninth Congress passed into history March 4, 1887. There now began the customary interval of nine months, affording time for recreation and rest; and, being wearied from a laborious session, he tarried but a few days before repairing to the quiet retreat of his home, at St. Joseph. These home-comings he counted

upon with fond delight, and they were even more wistfully looked forward to by those to whom he hastened. And here we may be indulged in recording some observations concerning this home and the domestic circle therein.

The family residence is situated somewhat prominently upon an elevation a little way without the city of St. Joseph. A compact road leads up from the gate, through an avenue of graceful young elms, and approaches by a gradual ascent to the front of the dwelling. Here it turns to the right, and continues a short distance to the rear, to a liberally-stocked stable; beyond which and properly inclosed is a large, fairly wooded tract, wherein the "brindle cow" and Jerseys find a place.

The house is a modern brick building, attractive and commodious; and in one wing is located a handsome library containing many choice volumes. The place has a rural aspect, owing to extensive grounds, which either sweep away into green meadows, or smile under the windows in well-kept lawns interspersed with flower and shrubbery. Lounging upon the croquet ground of a summer's evening, the eye roams over the city and a wide extent of country beyond. Afar to the north and west is descried the meandering course of the Missouri—

"A full river winding slow
By herds upon an endless plain;"

and beyond the gray hills of Kansas, retreating in successive tiers until they melt away on the horizon.

He had felicitously named this place "Ayr Lawn;" and here, after a long and weary flight on business or legislation, he was wont to fold his wings, as it were, and rest.

The inhabitants of Ayr Lawn are a peculiarly happy colony. There are Mr. Burnes and his brother, Calvin, who have dwelt together many years, and the two stalwart sons of the former, D. D. and C. C., as they are commonly called by the family. The first is a prominent lawyer in St. Joseph and Northwest Missouri. Death deprived him of a noble wife some years ago. The joy of his heart is a bright little son of ten, named Kennett. C. C. is one of the vice-presidents of the National Bank of St. Joseph. He has a most estimable wife, and a very sweet and beautiful little daughter, Margie.

Mrs. James N. Burnes is, unfortunately, an invalid. She is a handsome woman, with silver-gray hair, placid features, and rich brown eyes, and of a most amiable disposition. She was both a devoted wife and a loving mother. Her sister, the wife of Calvin, is one of those beneficent spirits of a large household whose kindly vigilance and good-nature seem indispensable to every one's welfare and happiness.

There also abide at the homestead one or two of the children of the deceased brother, Daniel. But the sunbeams of the circle are the irrepressible Master Kennett and his ardent little lieutenant, Margie. They are everywhere at once; "down-stairs, upstairs," in everybody's chamber; and flood the house continually with the music of their sport. It was, indeed, a happy and pleasing domestic scene that always greeted the visitor at Ayr Lawn. Good cheer prevailed at all times. The latch-string of the door always hung out. There was always a ready chair for every stranger; and when the winter evenings stole on, what a jolly number there were that gathered around the family board!

" Bless'd be that spot, where cheerful guests retire
To pause from toil, and trim their evening fire;

* * * * *

Bless'd be those feasts with simple plenty crowned,
Where all the ruddy family around
Laugh at the jests or pranks that never fail,
Or sigh with pity at some mournful tale;
Or press the bashful stranger to his food,
And learn the luxury of doing good."

The vacation periods Mr. Burnes usually passed within the ease of his home, or occasionally sojourned at some local summer resort; and he frequently went off on hunting and fishing excursions into the beautiful Northwest. He was a devoted disciple of Izaak Walton.

Two brothers were never more devoted to each other than were James and Calvin Burnes. There was a sweet and enduring affection existing between these strong men, which was most beautiful to behold. Indeed, it existed mutually between all the brothers; for there was another, Fielding, residing with a blooming family of his own, at Platte City, a borough about forty miles to the south of St. Joseph. The reciprocal affection of the sons was full as intense as that of their father; for they idolized him. He had brought up his sons as the Spartans brought up theirs. He entered into all of their plans, and schemes, and pleasures. He had seen them come into the full bloom of manhood; vigorous, frank, shrewd, humane. He had tenderly and jealously watched their every move; for how he did love those boys; and when separated by distance, his heart heard, while his ear could not. They were all—father, brothers, and sons—devoted to one another.

No family in the West possessed more resources and power. They planned together, and wrought together. Verily, they even hated as one; and loved as one.

The Fiftieth Congress met December 5, 1887. Mr. Burnes was punctual in attendance. As he achieved more in this session than he had in any previous Congress, it would be tedious, if not almost impossible, to particularize his every

action, which took a multitude of different forms. He was assigned to the Committee on Revision of the Laws, and again to the Committee on Appropriations. Among the fifteen members of this committee he ranked as number three. The failure of the deficiency bill at the close of the last Congress necessitated the immediate preparation of a special urgency deficiency bill, which he reported to the House in the early part of January.

This was followed, in February, by a second urgent deficiency bill, and in due course by the other general appropriation bills under his charge. There were four such measures reported during this session from the subcommittee of which he was chairman.

The discussion of a general deficiency bill, carrying millions of dollars, and affecting so many public interests, consumes from three days to two weeks before a final vote is reached. When the bill is returned from the Senate further indefinite debate is entered into upon the amendments made by that body. Then come conference committees between the two Houses; and the reports which they submit are likewise subject to sharp disputations. Often repeated conferences are required. Ultimately, after a lapse of from one to three months from the day the bill is introduced to the House, it escapes from Congress into the hands of the President. Circumstances of this nature attended on the deficiency bill of this year. It was reported by the committee in July, and became a law the second week in October. It was an extraordinary bill, however, embodying many millions of dollars, and embracing a labyrinth of subjects, the most trivial of which frequently engendered a protracted contention. Such a bill also often affects public questions of vast consequence, each of itself opening a wide field for debate.

For instance, an important section of the bill referred to, provided for an appropriation in aid of the establishment of an Industrial Christian Home in Utah. Naturally the subject of polygamy in the Territory arose, coupled with the question of the legality for making such an appropriation at all. Mr. Burnes heartily favored the proposition, and in his speech expressed the following humane and philosophical sentiment:

“We take notice of the laws of the country and learn from them that polygamy is forbidden; that it is under the ban of Congressional legislation and ought to be eradicated, even if a constitutional amendment were required to accomplish the work; but our work ends with polygamy and does not reach over into the realm of church allegiance, or into the moral consciences of men or women. The fact of polygamy is to be assailed. We attack its practices as a crime and punish those who commit it; but we punish the body and not the soul of the criminal. We punish for acts, not thoughts—for words, sometimes but never for sentiments entertained.”

Concerning the frittering away of time by the interposition of loquacious members during the consideration of this bill, Mr. Burnes expressed himself as follows :

“The Committee on Appropriations is periodically subjected to lectures and patronizing attacks, which I think could be most appropriately omitted ; but they seem to be always in order, and it appears that when a gentleman cannot possibly object to any provisions in a proposed bill, cannot object to a single item of appropriations therein suggested, as has been the case with the bill under consideration, he will, finding nothing better to talk about, undertake to discuss even the simple language of recommendation contained in the report which the Committee on Appropriations has seen proper to make.”

Again, on the same occasion, he said, with regard to the method of making appropriations :

“But first as to time and manner of appropriations. They are made annually, to commence with the beginning of the fiscal year succeeding that in which they are made.

“When those appropriations are being made for the year to come there should be before the Committee on Appropriations accurate and reliable estimates for them by the various Executive Departments. An inaccurate, an unreliable, or a deficient estimate is absolutely abhorrent to good government ; a deficient appropriation may be in the line of true economy, and certainly tends to lessen expenditures, and in no event can do any harm.

“Estimates should be made in the light of the expenditures of the preceding year, which are, or ought to be, within the knowledge of the person making them. They should be made in the light of experience and observation, which should be sufficient to teach their makers the amounts that will be necessary under each head for expenses of the coming year.

“With accurate and reliable estimates before them, the Committee on Appropriations can consider with practical discrimination and judgment whether or not it is well to encourage economy by limiting the appropriations in the first instance to any less amount than that which is estimated.”

The greatest achievement by Mr. Burnes in this session, and, indeed, the proudest conquest of his entire Congressional course, was his defeat of the French spoliation claims. These claims, which grew out of the spoliation of American vessels by the French from 1793 to 1801, have been in and out of Congress for the past eighty-eight years ; having been considered and vetoed by two Presidents. They call for from twenty to forty millions of dollars. Immediately after the meeting of the Fiftieth Congress, in December, 1887, a resolution was adopted by the House

directing the Committee on Appropriations to insert in the general deficiency bill these claims, which had been certified to Congress by the Court of Claims, under the law of January, 1885.

When the general deficiency bill was reported to the House Mr. Burnes, on the third of August, antagonized the provision covering these claims—first, upon the conviction that the claims should have no place in a general appropriation bill, and had, contrary to the House rules, been inserted therein; and, second, because he considered the pretensions asserted irregular and unfounded. On this day he raised a point of order against the French spoliation section, and moved that the clause be stricken from the bill. It was a bold act. The key to from thirty to forty millions of dollars turned upon his word. The antagonism of numerous corporations, in the guise of opulent insurance companies, was to be incurred. Already there was being directed against him the scurrilous attacks of nearly the entire press of the Atlantic coast; and a lobby more powerful than that which characterized the epoch when the Pacific railroad subsidy schemes were before Congress, endeavored first to persuade and then to intimidate him. But he was made of too stern stuff to flinch; and he held to his course with that stubborn persistency which was so characteristic of the man when his mettle was aroused.

In the debate that ensued the keenest minds of the House participated. The melting heat of midsummer was on, but it induced neither the one nor the other side to yield the slightest concession. Politics played no part in the question. Members of both parties were upon either side. For three full weeks the contest continued; and for as long a period the general public business of Congress was paralyzed—as declared by Mr. Burnes upon the floor of the House on the twentieth day of the siege, merely “for certain private claims of a century’s age, and we keep ourselves here housed in the heat of the dog-days for no better purpose than that of securing special advantage for a class of claims no better, but much worse, than other classes of claims also pending.”

Continuing, when pressed by the opposition to agree to postpone the controversy for a few days, he energetically replied:

“It seems to me that the general welfare of the whole people and public laws rather than private ones should be preferred. Sixty millions of people should be preferred over five thousand people, in whose names these spoliation claims are preferred and pressed with a persistency unparalleled. The proposition of the gentleman from South Carolina contemplates the postponement of a general appropriation bill now under consideration. I oppose such delay. Gentlemen who are absent are under the same obligations to be present that we are.

“I decline the proposition of the gentleman from South Carolina, and I do it

with all proper respect to him, and in all kindness. This general appropriation bill has a right to be passed upon and considered without delay. Furthermore, there are only five thousand people, at the most, interested in these claims, while in this bill, exclusive of these claims, there are to my certain knowledge ten thousand people, equally meritorious, whose claims are beyond dispute—soldiers of the Republic, their widows and their orphans, who have little appropriations in this bill, Treasury allowances for bounty, back pay, commutation of rations, lost horses, and the like, the allowance of which will carry sunshine and happiness to their little homes.”

At length, on the 27th of August the two factions marshaled their forces for the decisive struggle. Great excitement prevailed. The Sergeant-at-arms was ordered to seek out, and bring every Representative to the House. The call of the roll was proceeded with. Its result was awaited with bated breath; and when the Speaker announced that the House had agreed by a vote of 140 to 75 to eject the French spoliation claims section from the bill, the exultation of the victors manifested itself in applause.

An exquisite picture of this exciting moment, and the grandeur of Mr. Burnes' action at the time, comes from the pen of the lamented John N. Edwards, of the *Kansas City Times*:

“When the French spoliation claims bill,” he writes, “likely to take anywhere from thirty to eighty millions of money out of the Treasury—was up for passage Colonel Burnes scored his greatest and proudest triumph. It was the day of the combat. He came to participate in it faultlessly attired. A little white tuberosa bud was pinned to his immaculate coat. Any one man among the spectators in the gallery might have whispered to another: ‘What! has Spartacus renewed his youth and changed his nationality?’”

“The battle began. Colonel Burnes led the fight against the measure. His attitude was superb; his knowledge of details wonderful. Every effort known to the ingenuity of legislation was massed as a catapult to crush him at a blow. Question after question poured in upon him as so many javelin points to pierce the armor of his perfect imperturbability. He stood erect as Ajax, with the lightning flashes of the opposition flashing all about him. To every speech he listened deferentially as though in her boudoir he was listening to the low, soft words of some beautiful woman. All over his face was that peculiar smile of his—a little bit quizzical, a little bit satirical, a little bit eager and questioning, but always winning and attractive as though it had just been glorified by the burst of some sudden sunshine.

"Assailant after assailant leaped to cross steel with him at close quarters. He simply shortened his sword-arm as he saluted and murmured, 'Habet!' 'Habet!'—take it, take it—and another one lay dead on the dripping sands of the arena.

"Every joint in his harness was lance-proof. The color in his cheeks scarcely deepened. His explanations were luminous; his answers, not longer than a hand, were vivid as the flashes of flame in the night. The ablest debaters in the House formed a phalanx and moved to his overthrow. For this one he had a rapid sabercut of speech; for this one a delicate word of badinage, which went home like a knife thrust; for this one some rollicking piece of raillery, which overwhelmed him with the laughter of his colleagues; for this one a massive array of unanswerable facts; for this one a logic so cold as almost to freeze, and so much of the iron sort as to beat down all opposition; and for this one some courteous reply, high-bred and facile, which made the seeker after the light see it almost ere the lamps were lit to hasten the revealment.

"Then it was that Randall leaned over toward old man Kelly and whispered: 'How superb he is!'

"How superb indeed! The memorable triumph of that day is still a wonder, a memory, a tradition, a delight among all the *quid nuncs*, the old stagers, the old critics, and the old philosophers at the national Capitol."

These lines were written after the death of Mr. Burnes. The closing paragraph of the tribute, however, is so tender and so beautiful that we feel constrained to give it here:

"And now what? A great light has gone out from the political firmament of Missouri; a great Democratic leader has gone to his rest with the blade Excalibar broken in his hand and his bloodied banner across his dauntless bosom. It is so pitiful, so sorrowful. The days to come promise much of evil deeds and treacherous devil's work. Where then shall those turn who worship the very name of Democracy to find the fleetest foot on the corrie, the sagest counsel in chamber, find them! When Edward, the Black Prince, was told that the lance-head of the Breton squire had found the life's blood of John Chandos in an insignificant skirmish at Lussac bridge, he piteously exclaimed: 'God help us, then; we have lost everything on the nether side of the seas!'"

"And now what?" The brilliant mind itself that flashed these sentiments across life's ocean has also gone out from the political firmament of Missouri; for within a few months after writing these lines at the portal of his friend's tomb, the scholarly Edwards himself was called hence, and is now in sweet communion with his devoted and distinguished friend beyond the smiling and the weeping.

On August 1 Mr. Burnes made a speech on the Army appropriation bill; on September 1 one on timber depredations upon public lands, and on the 18th of the same month one on appropriations and expenditures, reviewing the same as made by the existing administration and those made by former administrations. The speech was mainly in reply to an attack by the Hon. Joseph G. Cannon, of Illinois, upon the Democratic administration. He sounded the key-note of his address in the terse declaration that "it is not the amount of appropriations that creates anxiety in the minds of the people, but it is the integrity and wisdom with which such appropriations are disbursed and the honest value received therefor which give them confidence and contentment." The speech was one of the most finished and effective that had yet come from him, and gained him liberal congratulation.

In addressing the House Mr. Burnes always received respectful and earnest attention, a compliment not easily attained from a legislative body of such magnitude and distinguished for so much confusion as the United States House of Representatives; but there was a commanding force in the man which seemed to exert an irresistible sway over those around him. When he rose his figure loomed great and massive; when he spoke his voice was deep and strong and sounded like from out of a cavern; yet how soft, peaceful, and kind it fell upon the ear when he so willed it.

He was a candid disputant, and in debate the soul of honor and urbanity; yet he maintained himself with compactness and emphasis. The acerbity of a discussion never unsettled him, for his judgment was too well poised and clear. No matter how great the storm of debate, he always emerged from it with the same pleasant smile upon his countenance and courteous manner that always characterized him. His references to other members were always made with deference. It was either "the distinguished gentleman" from such a place, "my learned colleague," or "my esteemed" or "venerable friend."

Indeed, it was this geniality and conciliatoriness, together with his ingeniousness of character and tolerant spirit, that gained him so many friends on the Republican side of the Chamber, for he already had a numerous following in his own party. It was a great pleasure with him to count as many friends on one as on the other side. In truth, next to Mr. Randall his most cordial intimate was a Republican—the Hon. David B. Henderson, of Iowa, a colonel in the Union Army during the late war, in which he lost a leg. He was born among the lochs of Scotland, but was brought to the United States when quite a bairn. Though of different political convictions, the friendship and devotion which existed between the two men approached to that of brothers. In many things they were alike; for they were both cheerful, genial, and unostentatious. They were invariably found in

each other's society. In a speech delivered on the Army appropriation bill, touching upon the manufacture of heavy ordnance and army warfare, Mr. Burnes refers to this excellent friend in the following generous language:

“Mr. Chairman, the best military authority on this continent, so far as I am concerned—the best military authority to me—is the distinguished soldier a part of whom is sleeping in the dust of Southern battle-fields and the balance of whom is occupying a seat on the other side of this House. I mean the distinguished soldier and statesman, General Henderson, of Iowa.”

Another intimate associate of Mr. Burnes was the Hon. Martin L. Clardy, of Missouri. He looked upon him as one of the younger men of the House, and he appeared to be drawn toward him by his retiring, honest, and unassuming disposition. They were firm and ardent friends.

Among others whom he numbered as his friends were the Hon. William R. Morrison, of Illinois, the prominent advocate of free trade, with whom he was on intimate social terms; the Hon. Joseph G. Cannon, of Illinois, one of his colleagues on the Appropriation Committee; and, notwithstanding that they frequently vigorously antagonized each other in debate upon the floor of the House, they were at all times the best of friends; the Hon. William R. Warner, of Missouri, at the present day Commander-in-Chief of the Grand Army of the Republic; the Hon. Samuel S. Cox, of New York, whose frequent letters while Minister at Constantinople never failed to give him sincere enjoyment; the Hon. James B. McCreary, of Kentucky; and all the members of the Appropriation Committee, particularly his colleagues upon the subcommittee of which he was chairman. The Hons. Mr. Long, of Massachusetts, and Mr. Butterworth, of Ohio, were particular objects of his admiration. Senator Vest he counted as one of his oldest and best friends. Representative Dockery, of Missouri, called often. A frequent visitor to his rooms and a hearty friend was the Hon. A. G. Curtin, the veteran war Governor of Pennsylvania; one of those convivial spirits whose store of anecdotes never becomes exhausted; who is always in demand by his friends; and by his savory recitals continually contributes to the enjoyment, of those around him, frequently kindling their risibilities.

The apartments occupied by Mr. Burnes during his sojourns in Washington, and which he always secured, were located in Willard's Hotel. They comprised three spacious parlors, one of which, with large windows admitting light from the north and east, was substantially used as an office. Like with his home in Missouri, the key was never turned in the door; and those whom he reckoned as his friends came and went at will. He was always glad to see them and was seldom too busy to

entertain; and for his abilities in the latter respect he enjoyed an enviable reputation, for his hospitality was ever distinguished by great spirit and heartiness. Hence his rooms were resorted to by numerous acquaintances of public note. There was no evening when from two to ten did not call, and as no time was withheld he was frequently diverted from the discharge of urgent labors. Rising at eight in the morning, he had breakfasted, read his mail, and by ten o'clock was off to the Capitol to attend the usual committee meeting, which continued until twelve, the hour at which the House convened. It was customary for the House to adjourn at five, and by the half hour he was again returned to his rooms.

The evenings, or such portion of them as his friends left to him, were devoted to examining the mail which had accumulated during the day, to the preparation of committee reports, *et cetera*. For the Congressman who scrupulously and conscientiously attends to his duties there is, indeed, no dearth of work; there are a thousand and one things demanding to be done at once and a thousand more awaiting his attention. First in order, are his obligations to his district in acknowledging and attending to the appeals which come crowding upon him from his constituents—for the establishment of post-offices, and the removal and rechristening of those already established; the securing of new postal routes and increased railway-mail-service facilities; the procuring of a public building, perhaps; the obtaining of patents and pensions, land warrants, bounty and war claims, payment for horses lost in the military service, and a multitude of other sorts of claims; the distribution of documents; the procuring of seeds, bulbs, and roots from the Agricultural Department, and last, and most confounding, the securing of appointments to office, that of postal clerks being not the least insignificant!

Second, if he be upon an important committee, he finds himself heir to work in that quarter which absorbs nearly his entire time, leaving but meagre opportunity to even reply to the communications of his constituents.

The motive-power, the great internal machinery, as it were, of Congress lies in the committee-rooms. There the real work is accomplished. The preparation of the appropriation bills is the very drudgery of legislation. It comprehends the comparing of estimates and the collecting and adjustment of figures and facts, subjects always empty of enthusiasm and too arid for sentiment. As chairman of the Subcommittee on Deficiencies, probably the most irksome position on the Appropriation Committee, it was Mr. Burnes' habit to sit up frequently all night in his rooms examining claims against the Government, which had been referred to the committee. When the claim was honest he unhesitatingly agreed to its payment. If, however, he found to the contrary, he as quickly rejected it. He never depended upon others, but relied on his own investigations and work.

Truly, it is unremitting, laborious toil, with little time for recreation, and far less for mingling in society; and Mr. Burnes was not a man who cared to enter into the whirl of the vacillating society of Washington. Occasionally he would, perhaps, attend a reception or dinner, or something of that sort, but the relaxation he mostly found was within his own apartments or the hotel, in entertaining the many acquaintances who continually sought him. He rarely hid himself save to escape the importunities of claim agents, for his position as trustee of the deficiency bill subjected him to the appeals of multitudinous claimants or their attorneys.

His family was at no time with him in Washington. The unfortunate condition of Mrs. Burnes operated against her accompanying him. It frequently happened, however, that some member of the family would make a trip to Washington and visit him for a short season—a kind of incursion which he always enjoyed. During the Forty-ninth Congress he had with him his young ten-year old grandson, Kennett, of whom mention has previously been made. He was a mischievous and vivacious youngster, whose merriment would flash around his “grandpops,” as he was wont to call his grandfather, like rays of sunshine. Mr. Burnes kept a manservant, to whose care the boy was committed. With the exception of a private secretary, these comprised Mr. Burnes’ household at Washington. His secretary, though absolutely needed because of the multitudinous and onerous duties imposed by the office of Representative, was paid out of his private purse.

It has already been intimated that Mr. Burnes was the patient, conscientious servant of his people. He heeded alike the wishes of the humblest constituent and the significant request of a powerful corporation, and he exercised the same impartial fairness and energy in behalf of one as the other.

He was never approached in the interest of a soldier or his dependents that his sympathies did not impel him to their succor. His roll of pensioners and those applying for pensions (for he kept a set of books in which was recorded the name of the claimant and the number and status of every case brought to his attention) embodied the claims of nearly a thousand soldiers or their heirs, the particulars of any one of which he might place his finger upon at any moment. His mail was bulky. Every communication, no matter how unassuming, received a prompt and courteous response. He was guarded in writing; and dictated with surpassing facility and elegance. His language was precise and his sentences pithy, well constructed, and graceful.

The first session of the Forty-ninth Congress was the most protracted in the history of Congress. After a sitting of eleven months, it adjourned on the 20th of October, 1888, within a fortnight of the day of election; for in this year the President and Vice-President of the United States, as well as Representatives in Con-

gress, were to be elected; and the country from one end to the other was heaving with excitement. Members were perturbed and anxious, and for some time previous to adjournment had been deserting the House and hastening homeward for the purpose of assembling their forces and preparing for the coming fray. In the closing days of September Mr. Burnes had been again unanimously nominated for Congress by the Democratic party of his district, and his continued absence at Washington when it seemed indispensable that he should be at home excited some uneasiness among his friends; consequently he received numerous communications from the managers of his campaign importuning him to return and take the field in his own behalf. Giving little heed to these appeals, however, and making his own concerns subservient to the discharge of his duties at Washington, he loyally and persistently remained at his post until he saw each appropriation bill under his charge pass the House and Senate. This being accomplished, he was relieved from further responsibility and free to turn his steps homeward, which he did on the second day after adjournment.

Devoting no time to communion with his family—for the brevity of the time left not a moment at his disposal—on his arrival at St. Joseph he launched immediately into the campaign. Having but two weeks in which to work, with his usual fervor and persistency he employed himself day and night.

The contest was as vigorously conducted as at each preceding election. The canards and lampoons of previous campaigns, as usual, were resurrected and hawked about to affright the timid and delude the credulous. Although the bitter attacks made on him often stung severely, at no time did he seek to retaliate in kind or inconsiderately denounce any of his adversaries. His Republican opponent for Congressional honors in the district was one of his best friends, with whom he had spent many a convivial hour, and to in any manner asperse or malign him, now that their divergent convictions had arrayed them as competitors for the same political honors, found no promptings in his heart. The election resulted in Mr. Burnes' favor by a majority nearly twice that of 1886.

The campaign now over, he was able to retire to Ayr Lawn to rest and recuperate. For one brief month he enjoyed the quiet seclusion and happiness of his home. It was the last that he would ever spend thus among his family. In the second week in December, 1888, he repaired to Washington to attend the convening of the second session of the Fiftieth Congress. He returned with health more impaired than his friends supposed; and at no time during this month did he feel confident in his strength. Toward the close of December he was confined to his bed for fully a week, in a more precarious condition, indeed, than he would permit his family to know; and but for the timely arrival of his physician when summoned,

at the unpropitious hour of one in the morning, serious results might have ensued at that time. Recovering from this attack he seemed unusually indolent, even lethargic, for several days, and was occasionally attended by his physician, Dr. Z. T. Sowers, an excellent man of rare cordiality and eminent medical skill.

By the middle of January Mr. Burnes had, in a great measure, recuperated, and was again diligently at work upon the deficiency bill, when, a little past two in the afternoon of the 23d of January, while upon the floor of the House and in the very act of uttering the first words of a speech which lay upon his desk, his entire left side was stricken with paralysis. With the aid of his friend, Representative Butterworth, of Ohio, he was assisted to a couch in his committee-room. His physician was immediately summoned, and a message sent to his son, Daniel Dee, who, seemingly, by the loving kindness of Divine Providence, had been led to Washington ten days before, so as to be near his father in his hour of death.

Without delay Mr. Burnes was moved to his apartments. During the transfer from the Capitol to the hotel he appealed to his physician several times to be permitted to ride up in the elevator when the hotel was reached. He disliked to be carried up. The idea of weakness and helplessness seemed too real, and he abhorred it. It was his great will and the courageous force in the man that was struggling against succumbing to the inevitable. It was only after kind admonishments that he was persuaded to remain quiet. By nine that night complete paralysis had taken place, the primary cause being the rupture of a blood vessel at the base of the brain. At eleven his son D. D. was drawn aside by the physician in charge and informed that there was no hope of saving his father's life.

The stalwart son had harbored no thought that the result would prove so dreadful; and the blow completely stunned him. To him it seemed for a moment as if the world had ceased to exist! The family had been faithfully advised from time to time of the state of affairs, but the saddest message which they were to receive was the one which the son wrote immediately after receiving the discouraging announcement from the doctor. It simply read, "Father is dying." How much pain and agony these three words contain! What a world of thought they convey—running out who far, those only who have experienced that inconsolable grief which springs from the loss of some dear, loving one more precious, seemingly, than all the world beside can fully and feelingly realize. When the great man who lay there, his heart throbbing its last beats, went forth that bright morning there was no sign, no indication, no thought even, that he was drifting so swiftly toward the great unknown.

At 12.46 Thursday morning, January 24, 1889, James Nelson Burnes died. His

death came as he had always desired it should come—gently—and he quietly and imperceptibly passed to his long repose.

So fades a summer's cloud away,
So sinks the gale when storms are o'er;
So gently shuts the eye of day,
So dies a wave along the shore.

Gathered about the couch at his last moments were his agonized son, his body-servant, his secretary, the young son of the Hon. Mr. Randall, a lad to whom he had taken a great fancy; his intimate, Representative Henderson, the physicians, and several political friends.

When the House and Senate met at noon that day resolutions of respect were passed; a joint committee was appointed to escort the remains to their place of burial; and, as a mark of respect to the memory of the deceased, both Houses adjourned for the day.

The members of the Congressional escort were Representatives Stone, Mansur, and Wade, of Missouri; Sayers, of Texas; Morrill, of Kansas; Bynum, of Indiana, and Henderson, of Iowa; and Senators Vest, of Missouri; Coke, of Texas, and Teller, of Colorado.

On the evening of the same day the committee, accompanied by the son of the deceased, Daniel Dee Burnes, departed for the West with the remains. St. Joseph was reached a few hours after dusk Saturday, the 26th. An immense concourse of citizens had gathered to meet the train, among them being a commandery of Knights Templar, under escort of which the body was taken to Ayr Lawn. Persons of public note from all quarters of Missouri and Kansas attended the funeral, including the Governor and State officers of Missouri, committees from the Legislature, and numerous delegations from boards of trade, commercial exchanges, and Masonic orders of various cities, while the people, coming from a radius of many miles around, flocked to the city to pay a last tribute of respect to the deceased, and witness the obsequies.

The pall-bearers were selected from among the old and intimate friends of Mr. Burnes; they were Hon. Silas Woodson, Isaac T. Hosea, John S. Brittain, T. J. Chew, S. B. Green, A. N. Schuster, John Saunders, and Levi Zook.

No one outside of his immediate family felt keener grief at the death of Mr. Burnes than did Samuel B. Green, the senior law partner of D. D. Burnes. This worthy man was the bosom confidant of Mr. Burnes, and his guide and tower of strength in all matters, particularly those of a political nature; for to the analytical judgment of Mr. Green he entrusted the entire shaping and management of his political campaigns.

Sunday afternoon, services were held at the residence. At their conclusion the

public were extended an opportunity to view the remains. It was an impressive and pathetic sight to see the long, unbroken line, representing every degree in life, solemnly moving past the casket to look for the last time upon the features of their friend. The face was natural. It bore the same pleasant smile that brightened it when life gave it animation.

"If I could paint the picture of his home when your committee laid the casket there," says Representative Henderson in his eulogy upon Mr. Burnes; "if I could show to you the family bending broken by the stroke of fate; if groups of orphans filling his resting place with flowers and stifled cries for him who had been friend and almost parent, too, could help me here; if you could see the almost endless line of citizens, old and young, rich and poor, native and foreign, black and white, strong and maimed, passing by the coffin for one last look at their old neighbor and their friend; if you could see his 'Brothers of the Mystic Tie' waiting in countless numbers to pay him the highest honors of their order and to be his escort to the waiting tomb; if the solemnity of a grief-stricken city should speak to you; if that indescribable language which comes from every form of sorrow when a great and loved man lies dead could speak to you from his home—if I could show all these, then would I be content, for then only could I touch the measure of my duty."

A little before four the funeral cortege began to move from Ayr Lawn. It was a piercingly cold day, the severest that had been experienced so far that winter. The earth was frozen hard. Patches of snow lay here and there; and the wind swept around the dwelling and surged through the trees with such mournfulness that one might well fancy it a requiem of Nature for the departed. The form that was about to be laid away had grown up in the wilds and woods, and it seemed only natural that the trees should sigh and sway themselves as it passed beneath their branches.

The route through the city was thronged with thousands of people, who had waited patiently for some time in the cutting cold for the arrival of the funeral. Sympathy and the deepest sorrow shone in every face. The flags upon the public buildings were placed at half-mast; and the bustling city seemed to be hushed into mourning for its great dead. The procession, after quite an hour's time en route, halted before the receiving vault at Mount Mora, a cemetery situated on the hills to the northeast of St. Joseph. The strains of a dirge at this instant arose from the band, which took position immediately in front of the tomb, the remains the meantime being removed from the hearse. When the sound of the music had died away among the tombs, the Masonic fraternity proceeded with their impressive funeral rites. Having performed this sad duty and paid their last tribute, the

casket was tenderly deposited in the vault ; and as the sun was sinking below the Western hills, the gates of the sepulchre swung to upon all that remained of the loving husband, father, and brother.

Mr. Burnes was of the middle stature, broad built and massive. In his youth he was vigorous and athletic ; in the latter part of life he inclined to corpulency. His head was capacious, well turned, and well set upon a neck which rose powerfully from an ample chest. His forehead was square. He had a full, open face of pleasing expression, which at times melted into a most captivating smile ; gray eyes ; a large mouth, indicative of eloquence ; iron-gray hair, which had a tendency to curl, and a gray mustache.

In deportment he was usually grave and serious ; yet in hours of leisure he was both agreeable and convivial, and with his guests, and in every species of society, there were none who were more delicate. His intelligence was of a high order. He possessed a quick apprehension, a retentive memory, and a persevering spirit. Note with what acute sagacity he seized upon the technical points involved in the arduous work which his entry into Congress devolved upon him, and the admirable justness with which he performed every duty. He readily perceived that, notwithstanding the political diplomacy to be observed in so doing, the making of appropriations for the current expenses of the Government could be governed by precisely the same business rules and methods as those by which he had shaped his own great financial success. "I have been so accustomed," he says in one of his first speeches before the House, "in the transaction of purely business matters, whether of a public or private character, to look alone to just business principles and considerations, that I am almost untutored in the art of looking beyond for political influences or party advantages." Upon another occasion, when he was led to make a statement which questioned the course pursued by his own party, then in control of the administration, he said : "If the facts which I allege are criticisms upon any individual, whether upon this side of the House or that side, or whether upon my own party or the party upon the other side of the House, so much the worse for either party which is responsible for it." This honorable and fair spirit distinguished him from the dawn to the untimely close of his legislative career. His oratory was of the unschooled sort. He was eloquent from the heart, and his eloquence was aided by a voice musical and sonorous. His discourse was earnest, and more gentle and kind than acrimonious, for he believed "love to be stronger than hate ;" and withal he was splendid.

There was no ostentation in his character. He possessed a humane and benevolent heart, which was counteracted by no irritable temper ; for he was kind and indulgent, free of any feeling of revenge, and ready to forgive and forget on the

least signs of repentance. His liberality was spontaneous and generous, yet wisely dispensed.

He indulged in the good things of life; liked to have its comforts around him, and did not restrict himself in securing them; yet he was not a voluptuary. He loved company, and it was while entertaining them that the *bon-homie* of his nature bubbled to the surface and refreshed those around him. His conversation was frank and hearty, and was lent additional charm by his genial and engaging manner. As was said of Aristotle, he had the extraordinary quality of persuading others to what he pleased. He relished a joke, or a savor of humor, in social intercourse, and laughed with hearty good will. Succinct narratives and incidents he had an aptness for, and he drew them graphically and spiritedly. He was an appreciative listener to what others had to say, and threw his whole soul into the business or pleasure of the hour or company. He was quick to perceive the errors and foibles of those around him, and enjoyed presenting them in a thousand whimsical and amusing lights; but the kindness of his nature would not allow him to be a satirist.

He was a large, ponderous man, deliberate, and slow in motion; and this, taken in connection with his general dignity of deportment, conveyed the impression that he was inclined to dullness and inactivity; but this apparent passiveness or characteristic composedness really represented a prudent cautiousness and a firm and indomitable spirit.

He possessed a depth of sentiment and pathos and an abundance of womanly tenderness that those only who knew him well could fully realize.

“Errors, like straws, upon the surface flow;
He who would search for pearls must dive below.”

We know of no more exquisite pen-portrait to which the death of Mr. Burnes gave rise than that furnished by his ardent friend, Edwards, as embodied in the following editorial from the *Kansas City Times*:

“The sudden and fatal blow which yesterday struck down the Hon. James N. Burnes, of the Fourth Congressional District, in the midst of his labors and his usefulness struck down also the unprotected bosom of Missouri.

“In the high noon of a splendid intellect; still in the full flow of vigor and perfect manhood; proud for his State, ambitious for his State, loving his State as though it were a prescient thing with whom he could confer and upon whom he could rely for counsel, guidance, and inspiration, he stood in the hall of the House of Representatives as her especial champion, guardian, and friend.

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“And then to see him fall as he did with all of his harness on—fall in mid career with his work yet scarcely begun, and the laurels bound thick about his brow as green as when they were gathered in the early morning of his first success and as his most precious victories—ah! it was pitiful.

“One had to know James N. Burnes long and well to sound to its uttermost depths the virile force and power of his many-sided character. It was not as a worldly, moral, or physical development that one could know it as he stood out boldly in the open, fighting the battles of life with life's own weapons. Then and there he took such blows, full front, as time and situation dealt him, giving back stroke for stroke, yielding nothing to force or blandishment or seduction, but hewing a path straightforward to the goal, with head erect and soul undaunted. These were simply the periods when all the iron in his blood went to make his muscles tense, his will adamant, and the courage of his convictions as unswerving as the tides of the sea, which ebb and flow and yet which go on and on forever.

“No; it was not as the gladiator that one should have studied the man Burnes—stalwart, indomitable, crushing obstacles, striding over difficulties, scaling precipices high enough seemingly to shut out the sunlight from his most cherished hopes and obscure as with the very blackness of darkness his most ardent aspirations. He was then all nerve, energy, unyielding effort, unflagging zeal, and heroic endeavor. He was then grappling with destiny hand to hand and yoking fortune to his chariot wheels to minister unto his slightest wants and obey with alacrity his imperious bidding. Of course, then the brow was corrugated, the light of battle still shone in his eyes, the dust of the conflict was still upon his garments, the heat of the strife was still rioting in his blood, and, until the victory was won and from the stricken field he had gathered the spoils that belonged to him by right because of a mighty prowess and an almost savage resolution, something like a dark hour would seem to be upon his soul. He brooded then, and may have been a little bit taciturn and a little bit reserved.

“But afterward, when he unbent, how gentle and fascinating and lovable he was. His face would then shine out as though for background an aureole was put to make it speaking with humanity and radiant with tenderness and affection.

“As a son he idolized his father and mother. As a husband he always bore himself as if he had never gone beyond the blissful probation of the ardent lover. As a parent he made constant companions of his children, entering into all of their little whims, notions, and adolescent ambitions, teaching them how to be frank of speech and generous of heart and nature. As a neighbor the latch-string of his door was always out, and none in distress who ever knocked there or entered there went away empty-handed. As a citizen his enterprise knew no limit, his

liberality was without bounds, his resources multiplied themselves by the amount of opposition he had to encounter, while his faith in the people among whom he lived and wrought never wavered a moment. Whatever was apportioned for him to do was done as if as assistants he had both omnipotence and omniscience. As a public man he pointed to a stainless official record, and boasted with pardonable pride of duties faithfully and conspicuously done.

“He was yet in the prime of life. In a single Congressional session he took immediate rank with the ablest and most experienced of his colleagues and associates. Samuel J. Randall put one day his hands upon his head to give him, as it were, an appreciative blessing, and when he arose he was a giant. None can say now to what position he might not have aspired or to what height he might not have soared and reached if God had not called him hence for purposes unknown to poor infinite minds, which strive and yearn and reach out from under the shadow of a great bereavement to take once more the hand that was ever open to succor the helpless and ever closed to defend a friend.

“And now he has gone out from the vision of all who knew him and loved him so. Yes, he has gone the dark way all alone. No comrade at his side ; no voices of the olden time to make music for him ; no paths that were once so familiar to him to walk therein ; no trees that he once planted and watered and pruned to uprear themselves by the roadside to make him shade ; no tender words to greet him as used to greet him in the old days when returning to his home ; no sweet good-byes to bid him God speed as of old at the parting. The great unknown is over and around and about him.

“Is it light there, and can he see far away to his front and yet within encompassment the Great White Throne and the jasper gates and golden streets of the New Jerusalem ?

“Surely, surely, if anybody can, he can ; if anybody ever did so see he has already seen, for did he not die like a soldier on duty ? Ah ! yes, he—

“Died with his harness on—the broad-sword leaping—
The wild fight surging fast,
Love wounded with each stroke, yet keeping
His stout front to the last !
When others, faint of heart, sank down despairing,
He cheered the battle on,
To his last life drop still that gay smile wearing,
As if the day was won.
And was it not ? Does truest, noblest glory
In shallow triumph lie ?
They longest, brightest live, in song and story,
Who die as martyrs die.”

His death was a shock to official circles at Washington, his State, and the Northwest generally, and a deep affliction to a wide circle of intimates and friends. Indeed, the death of no public man ever caused more sincere sorrow in the halls of Congress. He was recognized as a man of great power, and was everywhere esteemed and loved for his extreme kindness and affability. He was easy of approach; spoke as courteously to the dusky servants at his hotel as he did to his colleagues at the Capitol, and an atmosphere of refreshing goodness seemed continually to accompany him. In witness, see how the simple-hearted servants about his apartments wept as the heavy casket was carried from his rooms.

When Mr. Randall heard of his death he grieved as if he had met with some great family bereavement, and was despondent for several days. Representative Henderson felt the blow deeply and gloomily; and with difficulty composed himself whenever his thoughts reverted to the honest affection which his departed friend had borne him.

His colleagues upon the subcommittee of which he was chairman seemed to regard the sad occurrence as a personal loss; and the general Appropriation Committee met immediately after his death, expressed their deep sorrow in brief remarks, and passed resolutions expressing the grief they felt in the loss of their honored colleague. The Missouri delegation also assembled and adopted resolutions of a similar nature. The eulogies delivered in the House and Senate one month after his death were so numerous, they came from such prominent men in both political parties, and breathed such warmth of feeling, such exquisite pathos, and indicated such deep appreciation and affection that nothing further was needed to substantiate the high esteem in which he was universally held.

In his home and State the sorrow produced by his death was even more intense than at Washington. His political adversaries united with his friends in paying like tribute to his memory. His friends loved him; and there was no foe who did not admire and respect him. Read the following editorial which appeared the day after his death in the *St. Joseph Herald*, the strongest Republican paper in Northwest Missouri and the most untiring antagonist that had been arrayed against him in his district:

“The death of Congressman James N. Burnes removes from the stage of action perhaps the most prominent man in the Fourth District. What Moses was to the children of Israel he was to the Fourth District Democracy, and under his leadership it had gone from victory to victory. His was the master hand that directed the party movements, and so universally successful had he been that he came to be

looked upon by many as almost the party itself. It is not too great a compliment to say that his place cannot be filled. Another leader will be found, it is true, but he will not combine in himself the elements that made James N. Burnes the unquestioned dictator of his party affairs.

"In point of politics *The Herald* had never agreed with Colonel Burnes, and each time he was a candidate for Congress did what it could to defeat him; but while this was true we had never questioned his ability, his loyalty, his zeal, or said he wore his honors unworthily. He was in every point a man among men—earnest, aggressive, fearless, possessing great strength and force of character, and commanding esteem wherever he went by his uniform fairness and kindliness of manner as well as by his intellectual attainments.

"It is useless to say he was a legislator of whom this people has had reason to feel proud. Had he not been, even his superb generalship could not have averted party defeat.

"St. Joseph was proud of him as a citizen, this district was proud of him as its representative in Congress, and the State was proud of him as one of her most promising sons. It is not fair to presume that his life-work was accomplished. The future seemed to have in store for him much that was bright, and the measure of fame already attained seemed only a stepping-stone to something higher and grander.

"In expressing sorrow that he is dead *The Herald* believes it is voicing the sentiment of every man of this great district. It is doing no more in paying a tribute to his memory. No community can afford to lose men of this character. The world has too few of them, and when death calls them away the loss seems a personal one to thousands."

Could an avowed rival ever utter kinder words or bow the head more sorrowfully over the grave of an opponent?

Resolutions of condolence upon his death were passed by the General Assembly of Missouri, the Senate of Kansas, the City Council of St. Joseph, the St. Joseph Turnverien, the Trades Assembly, the bar of St. Joseph, the Democratic Congressional Convention called to nominate a successor, the colored citizens of St. Joseph, and several Masonic and other secret orders.

But it is in the domestic circle—that little but trying sphere of life where we lay aside artificiality and act wholly from ourselves—that we love to contemplate his character. There his simpler and happier nature shone forth as it did nowhere else. With a heart so kind and tender, it was but natural that he should have

around him a happy family. He yearned for the occasions when the toil of business or legislation lent itself to the sweet abandon of home. He loved to free himself from the restraints and formalities of society and enjoy the companionship of his wife, his brother, and his sons. He loved to take his ease at Ayr Lawn, to indulge in its innocent pastimes, and to gaze again upon the inspiring view of city, river, and country which his picturesque home commanded.

But alas! he was far away from these dear surroundings and familiar scenes when death overtook him; and but one son out of the members of the family stood by his side and caught the farewell glance of his fading eye as the shadow of the valley closed in around him.

How apropos to our thoughts at this instant occurs the apostrophe of poor Goldsmith to the cherished haunts of his childhood:

In all my wand'rings round this world of care,
In all my griefs—and God has giv'n my share—
I still had hopes my latest hours to crown,
Amid these humble bowers to lay me down;
To husband out life's taper at the close,
And keep the flame from wasting by repose;

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Around my fire an ev'ning group to draw,
And tell of all I felt and all I saw;
And as a hare, whom hounds and horns pursue,
Pants to the place from whence at first she flew,
I still had hopes, my long vexations past,
Here to return—and die at home at last!

But—

For him no more the blazing hearth shall burn,
Nor wife nor children more shall he behold—

Nor sacred home. His ambition was truly noble and lofty. He sought renown for the benefit of his sons. He wanted to leave them a name that they and those who came after them would feel proud of; and he was in the zenith of his achievements when he died. He fell like a great umbrageous oak, which had withstood the heat of summer and the storms of winter for over half a century, and then suddenly, under a clear sky and in the bright sunshine, was struck by a shaft from heaven and prostrated. Truly he was a great man in the forest of humanity, towering to a noble height among his compeers, and standing the most conspicuous figure within a radius of many miles around his native hills.

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Ah! what a crash there was when he fell ; nor will its echo cease to reverberate in the hearts and memories of a host of friends and admiring constituents, far into the future ; for his district, his State, and the Nation lost a valued citizen, a conscientious Representative, and a statesman of eminent superiority, in the death of JAMES NELSON BURNES.

EDWARD W. DE KNIGHT.

WASHINGTON,

July, 1889.

SPEECHES AND DEBATES IN CONGRESS.

(lix)

SPEECHES.

EULOGY UPON THE DEATH OF MR. HASKELL, OF KANSAS.

DELIVERED FEBRUARY 28, 1884.

Mr. BURNES. Mr. Speaker, DUDLEY C. HASKELL was my neighbor. His late constituents are neighbors of my constituents. Just across the mightiest and longest river on this continent he lived from boyhood to middle age under my observation.

I cannot hope on this occasion to express satisfactorily the height or depth of my appreciation of his pure and exalted character, but silence would be a disappointment to the good people I have the honor to represent and an injustice to my State. A wide divergence in political sentiment creates no prejudice against the possessor of high personal integrity and profound moral worth.

Every intellect perhaps is dominated by some ideal man who exists and can only exist in the imagination. Outward circumstances and surroundings reduce the ideal at last to the practical, and myriad Utopias are forever abandoned and uncolonized. Mr. HASKELL had ideals and ideals, but he was never a dreamer. He sought not a limit in the limitless, a period in eternity, an eternity in human achievement. He believed in creation, but it was in the creation of labor, genius, and activity. With him speech was for light and enlightenment; and he held it vain and meaningless unless accompanied by constant, earnest work for the benefit and elevation of mankind. When Omnipotence determined upon the wonderful creations in, above, and around us, everything required time and labor save light. This He spake into existence by the divine command, "Let there be light."

Mr. HASKELL was at once a believer and a worker. He believed in God and in labor also; in everything that was true and beautiful, and in every good work. He believed in his State and loved her. He believed in his people, and confided in and trusted them without reserve. He believed in his home, and made it, for himself and all its loved inmates, the holiest, happiest place on earth, loved and prized away above and beyond all the glamour and fascination with which the

world allures. He believed in and loved the sunset, for he had seen it in Kansas, as it is seen nowhere else on the earth, reflected back through the golden bowels of the Rocky Range.

He was essentially the growth and product of Kansas. Born in a State which has been said to be the best in the Union—to emigrate from—he carried with him to his new home on the banks of the Kaw all the sturdy elements of the New England character, whose groundwork is faith, patience, and perseverance. When scarcely ten years old he heard the whispered words of preparation for the historic struggles that drove African slavery from Kansas and added *Ad astra per aspera* to the Federal constellation. He had seen the assault, the charge, and the torch in his beautiful city of Lawrence; and further on had heard in the streets the murderous shouts of Quantrell and his demoniac legion, rioting in the innocent blood of a hundred victims. Had he not been a Christian, scenes like these might have made him a revengeful monster; but when the excitement was over, kneeling reverently in the midst of the dead and dying, if his lips did not utter, his heart responded to God, even in that terrible hour of death and ruin, "Father, forgive them; they know not what they do."

He was the growth and product of Kansas; he was more. He was thoroughly Western and American besides. Anything that man had ever done he believed that man could still do. Self-reliant almost to rashness, he never hesitated in the line of duty to reach out for the possible. His investigation of a subject ended only in its mastery. To obscure or confuse it was alike impossible and unnecessary. He was ambitious, and had a right to be. In public life he found a restless yet fascinating pleasure. Success attended him. To the honors of collegiate labor were soon added those of his State and country. Worthily won, they were honorably worn. Achieved by honest merit, they were enlarged and burnished by honest toil and patriotic sacrifices. The trusts reposed in him were sacredly executed. His pledged word was inviolate. His political honor, equally with his personal honor, he kept sacred and spotless. True, brave, and steadfast, his acquaintances became his friends, and the latter were multiplied. His constituents followed him with pride. He was fit to lead. His arguments in this forum were repeated to them without evasion or apology. Frank and honest with his people, he could but be frank and honest with his colleagues on this floor. Seeking to represent faithfully his district and State, he yet had less of the laudable selfishness of local or geographical interests than any of his compeers, and was never unmindful of the great duties he owed to the whole country. He studied and toiled and struggled. Thorough in investigation, accurate in detail, logical in argument, and often eloquent in application and conclusion, he grew strong in debate, and advanced toward the leadership of his party. He was becoming a giant.

Elected a member of this Congress, his responsibilities were enlarged by the general recognition of his intellectual power. He seemed to realize the fact, and prepared himself to meet it. No command of his physicians, no appeal of his anxious friends, could swerve him from what he believed to be the path of duty. He believed the mind should dominate the body, whatever the stress or strain.

He had thought much upon legislation, and saw, or thought he saw, the work of his hands in former Congresses about to be reviewed by his political adversaries. The sharp, keen conflict of mind with mind and system with system was already before his eyes. He saw the coming all-night vigils and the glare and heat of the fierce onset—the thrust, the parry, and the parliamentary blow. The tumult of action and cheers of victory resounded in his ears as unconsciously his vital force was departing, pitifully ominous of the end. At his post of duty, overtaxed and overburdened by the peculiar exactions of Congressional life in this House, the lamented HASKELL, like many another, died a martyr to his moral convictions of official obligation.

His life, in all of its relations, was singularly pure, winning, and lovable. As a neighbor, not a drop of levitical blood was ever lodged in his veins. As a Christian, he was the same on the street as at the altar; on the last six days of the week as on the first. He revered his honored parents and ever rendered them a cheerful obedience. His tenderness and unselfish love for his true and faithful wife grew into conjugal idolatry; and his absolute devotion to his gifted brother marked every word and act of his life. “Sir,” said an old friend of the family on the day of the funeral, “the father must have oft repeated to his sons the fable of the old man and the bundle of sticks, for never have I known brothers so loving and devoted to each other as John and Dudley Haskell.” What a divine panegyric upon both!

Sir, there was no drought of tears in Kansas when your committee tenderly deposited the remains of DUDLEY C. HASKELL in the warm and generous bosom of his beloved Commonwealth. Every home wore the emblems of a tearful bereavement; from every eye fell pearly drops of sympathy, and in every heart was a throb of love for the living and the dead. Thus the grave closed over him beneath “an arch of steel.”

The twin homes, side by side, on the limits of the beautiful and historic city of Missouri’s neighboring sister, are sorely stricken. Not more the head of one than the light of the other, and the love of both, he is already seated in a higher congress than this, over which Jesus our Saviour in love and mercy unerringly presides.

SPEECH ON CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

JULY 5, 1884.

The House having under consideration the report of the conference committee on the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes—

Mr. BURNES said :

Mr. SPEAKER: The Senate amendment placed upon the bill, and which has just been read, seeks to make an appropriation of \$250,000 for the secret-service fund of the State Department. When the amendment was first considered by the House it was deemed advisable to avoid all discussion of it, and by common consent a vote was taken without any public explanation of the merits or demerits of the proposition as made by the Secretary of State. For a second time, the Senate still insisting upon the amendment, it was called up in and again rejected by the House, also without explanation or debate. The Senate stimulated by the persistent and ambitious Secretary, having again refused to recede from the amendment, notwithstanding the decisive action of the House thereon, it comes before you for the third and last time, I hope, with all the added power and influence of the executive department of the Government. We have the option of submitting to the persistent and unreasonable demands and entreaties of the honorable Secretary of State and of the other branch of Congress, or, resisting, place all the facts and arguments bearing upon the scheme before the House and the country.

Acting under the advice and direction of the Committee on Appropriations, and strengthened by the counsel of leading associates in this House, I shall undertake to make a plain, fair statement of all the facts within my knowledge as a representative of the people bearing upon the subject to be considered. Such arguments and conclusions as may seem pertinent thereto will be left without any extended effort on my part to some of my honored colleagues and associates. At this unpropitious hour (3 a. m.), if I shall be either tedious or incoherent, I trust the House will kindly indulge me.

All of us may well regret that this amendment has been again returned for further and definite action. I had earnestly hoped that we might be spared, and that the country might be spared, any further consideration or discussion of this unpleasant subject. But appeal after appeal to gentlemen on the other side to cease the pressing of this amendment upon us has been in vain. Senators and Representatives of the same political party with the Secretary of State have avowed their sympathy with our resistance to this appropriation; but the minority here, encouraged by intimations of support from a very few of my party associates, hopeful because of the absence of so many others at the great Chicago convention, and stimulated by the personal, political, or social influences of the administration, have heedlessly brought the subject to its present point of consideration. For no

part of this am I in any sense responsible; nor are any of the trusted leaders of my party. The people of the whole country must, therefore, have the opportunity of judging, on all the facts and circumstances, between the action of the Senate and that of the House.

Towards the close, perhaps shortly after the close, of the celebrated administration of a great soldier-President, twelve men—an even dozen—secured a concession from the Government of the Central American State of Nicaragua of a great body of land and the right to construct a canal across the state, through Lake Nicaragua, connecting the Atlantic and Pacific Oceans. By the express terms of the concession the *concessionnaires* were required to perform a certain portion of the work of constructing a canal prior to October 24, 1884, under penalty of absolute forfeiture of all rights thereunder. None of the required work has been done. The *concessionnaires* have had themselves incorporated under the laws of the State of Colorado by the name, I believe, of “The Maritime Canal Company of Nicaragua,” but beyond that no expense has been incurred and no progress has been made.

Some of these twelve *concessionnaires* are men high in the confidence and employment of the Government. One of them was for eight years the President of the United States; another one has reached the distinction of an admiral in the Navy of the United States, and still another is an envoy extraordinary and minister plenipotentiary of the United States at one of the South American states, besides being very highly connected by blood or marriage with the *personnel* of the State Department. All are connected or were recently connected with the Government of our country, excepting two or three who are said to be eminent citizens of the State of Nicaragua.

Informally, outside of the usual channels of communication, hurriedly, stoutly, and all at once, a proposition is brought to your committee involving an appropriation of \$250,000 for the secret-service fund of the State Department, and for the alleged purpose of securing a contract by which the rights of the twelve *concessionnaires* would be secured to the Government on the further payment of \$1,200,000 or \$100,000 to each. The concession was presented as an immensely valuable thing. In addition to the two sums of money just mentioned, it was stated that \$75,000,000 more would be required from the national Treasury to construct the canal. Equally skillful as engineer and diplomat, as profoundly intimate with theodolites as with statecraft, our “guide, philosopher, and friend” needed but a few moments to demonstrate that the estimates of ordinary engineers fixing the probable cost of the work at not less than \$300,000,000 were unreasonable and absurd, and that the volcanic action in that country, instead of wrecking or destroying the masonry in the necessary locks and dams of the canal, had the beneficent kindness to cement and strengthen it. Thus, in furtherance of this great international enterprise, the forces of nature were in fraternal accord with the genius and spirit of diplomacy. How pitiful that both should be embarrassed for the want of but \$76,450,000 from the great surplus “idle in the Treasury.”

Two of the great powers are reported as holding tickets in what has been called a diplomatic lottery. The prize—grand prize they call it—is the right to construct a ship-canal across the isthmus connecting the two Americas. Why we

should purchase that which this Government, as now administered, has suffered Frenchmen to take at will the honorable Secretary does not tell us. Why this Government should purchase a right that Nicaragua tendered, freely and without cost, to twelve mere adventurers the honorable Secretary does not tell us. Why we should deny to Germans that which we allow Frenchmen to take must be withheld as a state secret. We are asked to submit ourselves and our judgments, tranquilly, to the proverbial good luck of the administration, without curiosity to know or desire to uncover the secrets of the *art diplomatique*, with the assurance that for \$1,450,000 the Government will obtain the barren right to construct a canal across the State of Nicaragua.

Mighty prize! Proud trophy for the Forty-eighth Congress! Your Committee on Appropriations are asked to indorse in blindness a seemingly blind scheme, and after such an indorsement to demand the blind confidence of the House. With all due respect for the integrity of the present administration, we cannot accept such a suggestion, nor ask nor accept such a childlike acquiescence. The American House of Representatives will never give such a confidence to a committee or to any branch or department of the Government; and our people will ever abhor and detest all secret and irresponsible expenditures of the public money. The joining together of two committees—Foreign Affairs with Appropriations—does not change the principle. Nothing but a committee of the whole House can represent the will and duty of the House. No other committee can determine the question whether \$250,000 of the public money shall be torn from its place in the Treasury, without account or accountability, and given to secret uses and purposes, which, so far as we are informed, are immeasurably below the dignity and honor of our institutions and our flag.

The inquiry was made in conference and may properly arise here: What is the necessity for all this haste? Now, sir [after a pause], I hesitate because although I feel at perfect liberty to speak to the whole subject without reserve or restraint, yet for the sake of what, by some chance, may be an occult or latent interest of the Government, I would not go beyond the necessities of a full and fair discussion of what I regard a monstrous proposition. Therefore I will not say what I intended, but will briefly outline the facts as they exist in the first instance. We are told that unless this appropriation is made before the 24th day of October next two of the great powers of the earth, vieing with each other in efforts to win the prize, will close every door in Nicaragua against us, and leave the United States a stranger to a great ship-canal between the two great oceans. To this threatened peril we interposed and now here interpose the provision in the concession that makes its transfer an impossibility. To this threatened peril we further interposed and now here interpose the "Monroe doctrine," to which I shall more particularly call your attention. And to this threatened peril we further interposed and now again interpose the Clayton-Bulwer treaty; and finally, we now submit, what harm can result to this country from the construction of the suggested canal by German men and German money, if it be done with a full knowledge of the fact that the "Monroe doctrine" is the declaration of a national right, which this Government will promptly assert whenever the peace and happiness of our people or of the people of Nicaragua require it?

In 1823 President Monroe, in his annual message to Congress, announced with respectful firmness a great principle of American nationality. That it foreshadowed rather than expressed the full meaning intended is but the lofty evidence of a patriotic determination on the part of the President to advance the great doctrine without taking a single step backward. He said :

At the proposal of the Russian Imperial Government, made through the minister of the Emperor residing here, a full power and instructions have been transmitted to the minister of the United States at St. Petersburg to arrange by amicable negotiation the respective rights and interests of the two nations on the northwest coast of this continent. A similar proposal had been made by His Imperial Majesty to the Government of Great Britain, which has likewise been acceded to. The Government of the United States has been desirous by this friendly proceeding of manifesting the great value which they have attached to the friendship of the Emperor, and their solicitude to cultivate the best understanding with his government. In the discussions to which this interest has given rise, and in the arrangements by which they may terminate, the occasion has been judged proper for asserting as a principle, in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers.

The above was the carefully chosen language in which the great principle was clearly foreshadowed. But, as if to show his determination to advance upon and never recede from the principle asserted, the President before concluding the same great paper says :

It was stated at the commencement of the last session that a great effort was then making in Spain and Portugal to improve the condition of the peoples of those countries, and it appeared to be conducted with extraordinary moderation. It need scarcely be remarked that the result has been so far very different from what was then anticipated. Of events in that quarter of the globe with which we have so much intercourse, and from which we derive our origin, we have always been anxious and interested spectators. The citizens of the United States cherish sentiments the most friendly in favor of the liberty and happiness of their fellow-men on that side of the Atlantic. In the wars of the European powers, in matters relating to themselves, we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparation for our defense. With the movements in this hemisphere we are of necessity more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different from that of America. This difference proceeds from that which exists in their respective governments. And to the defense of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted. We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered, and shall not interfere. But with the governments who have declared their independence and maintained it, and whose independence we have on great consideration and on just principles acknowledged, we could not view any interposition for the purpose of oppressing them or controlling in any other manner their destiny by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States. In the war between those new governments and Spain we declared our neutrality at the time of their recognition, and to this we have adhered, and shall continue to

adhere, provided no change shall occur which, in the judgment of the competent authorities of this Government, shall make a corresponding change on the part of the United States indispensable to their security. The late events in Spain and Portugal show that Europe is still unsettled. Of this important fact no stronger proof can be adduced than that the allied powers should have thought it proper on any principle satisfactory to themselves to have interposed by force in the internal concerns of Spain. To what extent such interposition may be carried on the same principle is a question in which all independent powers whose governments differ from theirs are interested, even those most remote, and surely none more so than the United States. Our policy in regard to Europe, which was adopted at an early age of the wars which have so long agitated that quarter of the globe, nevertheless remains the same—which is, not to interfere in the internal concerns of any of its powers; to consider the government *de facto* as the legitimate government for us, to cultivate friendly relations with it, and to preserve those relations by a frank, firm, and manly policy, meeting in all instances the just claims of every power, submitting to injuries from none. But in regard to those continents circumstances are eminently and conspicuously different. It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness; nor can any one believe that our Southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition in any form with indifference. If we look to the comparative strength and resources of Spain and those new governments, and their distance from each other, it must be obvious that she can never subdue them. It is still the true policy of the United States to leave the parties to themselves in the hope that other powers will pursue the same course.

The final declaration of President Monroe bearing upon this great subject was made in his last annual message to Congress. Speaking of the new nations of Spanish America and their progress he says:

In this their career, however, we have not interfered, believing that every people have a right to institute for themselves the government which in their judgment may suit them best * * * The deep interest which we take in their independence, which we have acknowledged, and in their enjoyment of all the rights incident thereto, especially in the very important one of instituting their own government, has been declared and is known to the world. Separated as we are from Europe by the Great Atlantic Ocean, we can have no concern in the wars of the European governments, nor in the causes which produced them. The balance of power between them, into whichever scale it may turn in its various vibrations, cannot affect us. It is the interest of the United States to preserve the most friendly relations with every power, and on conditions fair, equal, and applicable to all. But in regard to our neighbors our situation is different. It is impossible for the European governments to interfere in their concerns, especially in those alluded to, which are vital, without affecting us; indeed, the motive which might induce such interference in the present state of the war between the parties, if a war it may be called, would appear to be equally applicable to us. It is gratifying to know that some of the powers with whom we enjoy a very friendly intercourse, and to whom these views have been communicated, have appeared to acquiesce in them.

If we make an analysis of the declarations of President Monroe, just read, we conclude:

First. That the American continents are not open to further or future colonization by European powers.

Second. That any attempt on the part of any European power to extend its system to any portion of this hemisphere is dangerous to our peace and safety, and will not be allowed under any circumstances.

Third. That any attempt to oppress the people or control the destiny of any

Spanish-American state by any European nation will be regarded as the manifestation of an unfriendly feeling toward us.

Fourth. That the extension of their systems to this continent by European nations would endanger our peace and happiness; and their interference in the affairs of any South or Central American state cannot be witnessed by us with indifference.

And finally, as a fair and logical conclusion of the whole matter, that the people and Government of the United States of America, by reason of their geographical position, of their natural and political rights in Central and South America as neighbors, and of their well-established purpose never to interfere or intermeddle in any mere European question, will never allow any European government to hold any right or privilege in this hemisphere which is now or may hereafter become a menace to their safety, peace, prosperity, or happiness.

Whatever foothold, therefore, any one or all of the great powers of Europe may have obtained or may hereafter obtain on these continents must be considered and held subsidiary to the great right of the great Republic to preserve itself from every coming danger and at any time to take and hold that which may disturb the peace, mar the happiness, or affect the substantial prosperity of its people.

The affected obscurity and courtly monotone of diplomatic phrases may shade or veil our national intention, but whenever the occasion for the people of this country to declare it arrives the whole world may read it in red letters upon the sky, rather than in musty tomes of a schemeful diplomacy.

The advocates of this amendment have been called upon to inform us if the proposed action of the Secretary of State was not in violation of an existing treaty between the United States and Great Britain. To this hour no satisfactory answer has been made. It is not possible to ignore the fact that on the 19th day of April, 1850, a treaty was executed by the two countries, commonly called the Clayton-Bulwer treaty, by the terms and stipulations of which this plighted-faith-keeping and plighted-faith-demanding Republic agreed that it would never obtain or maintain for itself any ship-canal through the San Juan river, nor any through either or both of the lakes of Nicaragua or Managua, between the Atlantic and Pacific Oceans; and that it would never erect or maintain any fortifications commanding the same; and that it would never make use of any protection which it affords or may afford, or any alliance which it has or may have to or with the state or people of Nicaragua for the purpose of erecting or maintaining any such fortification, or of occupying, fortifying, or colonizing Nicaragua, or of assuming or exercising dominion over the same; and that it will not take advantage of any intimacy or use any alliance, connection, or influence that it may possess with Nicaragua, through whose territory the said canal may pass, for the purpose of acquiring or holding, directly or indirectly, for its citizens any right or advantage in regard to commerce or navigation through said canal which shall not be offered on the same terms to the subjects of Great Britain. These are some of the solemn compacts made in this Clayton-Bulwer treaty, and so far as we are officially or otherwise advised the treaty is in as full force and effect as on the day of the exchange of ratifications by the two governments.

The Secretary of State says the abrogation of the treaty has been a subject of diplomatic correspondence; but he admits that no formal notice to abrogate has been given by or to either government. It has been claimed that Great Britain has violated the treaty, and that therefore it is *ipso facto* null and void. Great Britain denies that any such violation has occurred, and has demanded specification and proof. It has not been pretended that any such specification or proof has been furnished Great Britain by our State Department.

If there was ever a treaty that ought to be annulled, this is the one. If there was ever a treaty that this Government ought to violate, this is the one. It was un-American, unwise, unjust to our history and traditions and a stain upon our national honor. But we have lived up to it for a third of a century. Is it not the part of wisdom as well as of duty to abrogate it by such reasonable and formal notice as international law and custom may sanction rather than by a secret intrigue in violation of it at last? As Americans we are strong enough and brave enough to keep our Government within the plain path of duty and right. In an evil hour the administration of President Fillmore made the United States and Great Britain partners in a prospective ship-canal through Nicaragua. Let us dissolve the partnership with due national dignity and decorum, by mutual consent, or, failing in that, by respectful notice. Let us not secretly, in darkness and blindness, by intrigue and contrivance, seize a seemingly forbidden thing which in six months we can in honor, in the sunlight of Heaven, and in the spirit of American manhood, without diplomatic mousing, put out the great arm of the nation and take by divine right. Away from statecraft and juggling, which some seem to regard as diplomacy and statesmanship. In every household in our broad land where the altar of home is maintained in its integrity there is a living prayer that this Republic and its Government may avoid "even the appearance of evil" in dealing with mankind. This Clayton-Bulwer treaty, then, hateful as it is, raises a bar to the inchoate proceedings of the honorable Secretary of State. Let us wait until it is removed. And when it is removed, let us discuss with our great constituencies, not here in the after-midnight hours of an expiring session, whether we want to construct such a work, in such a place, at such a fearful cost, and pay such a tribute in money to twelve traffickers in the national honor and the national prosperity.

It is suggested that in perfect fairness to the twelve *cessionnaires* it ought to be stated that it is claimed for them that in obtaining their act of incorporation by the State of Colorado some ten or twelve thousand dollars were expended, and they are willing to make no claim for that sum if the \$1,200,000 are paid them. So, after all, it cannot be said that they are entirely destitute of liberality to the Government! [Laughter.]

We conclude that if these *cessionnaires* have rights in Nicaragua this Government, on general principles, will protect them, perhaps regardless of any question as to the means and influences used in securing them. The seemingly vested right of a citizen is a dangerous thing for a government to touch. But when citizens have sought to place themselves in the supposed pathway of progress of their government and caught a fleeting shadow that they can neither hold nor

utilize, we know of no obligation that requires the government to pay them \$1,200,000 or any other sum for their adventure. If they have something to sell that the Government needs, let us purchase it at a fair price. If they have nothing, or nothing that we need, let us not first lend them the anticipated future of a continent, and then, under the influence of diplomatic hints and organized power, discount in dollars the loan we ourselves have made.

Mr. BELFORD. Will the gentleman from Missouri mention the names of citizens of my State who are engaged in that enterprise?

Mr. BURNES. I am happy in saying that the Centennial State, always so ably and fairly represented in this House, had no representative among the twelve *cessionnaires*. They simply found your Legislature or laws convenient for the obtaining of an act of incorporation. This is all that Colorado had to do with the subject.

Mr. SPRINGER. A charter out there costs about \$2.50, I guess.

Mr. BURNES. The estimate of my friend from Illinois is about correct.

Mr. COSGROVE. And dear at that. [Laughter.]

Mr. BURNES. Another suggestion has been made. It was made to avoid the objection that we urge against paying out so large a sum of money to mere private parties who have nothing to sell. The suggestion was that further negotiations with the *cessionnaires* would be abandoned and this Government would treat directly with another government—perhaps the *personnel* of the government. It could not, however, be concealed that the results would be the same. The same amounts of money would be required, and the same benefits would result to the *cessionnaires*. It was doing indirectly that which the people would object to and protest against if done directly. It was to obtain nothing more nor less, and pay neither more nor less, than the original scheme involved. It was doubtless the refined spirit of diplomacy at work—its essence and genius; but ordinary business simplicity could neither compass it nor yield to it.

Mr. BLOUNT. Will the gentleman from Missouri allow me a question, confidentially? [Laughter.]

Mr. BURNES. Certainly; with pleasure.

Mr. BLOUNT. I desire to have my friend from Missouri state at this time the sums of money now or hereafter to be involved by this proceeding.

Mr. BURNES. It always gives me pleasure to follow the suggestion of my distinguished friend from Georgia—

Mr. HENLEY. Will your answer be confidential? [Laughter.]

Mr. BURNES. No, sir; but unless our friends the official reporters preserve what we say at this hour it will have a more certain oblivion.

Now, in answer to my friend from Georgia: This amendment calls for \$250,000. That sum enables the Secretary to make a contract. Then follows \$1,200,000 to pay the *cessionnaires* directly or indirectly. Then follows \$75,000,000, the Secretary says, \$300,000,000 others say, to construct a canal.

In the best judgment and information of your committee the beginning involves or contemplates a total expenditure of \$301,450,000. The distinguished engineer at the head of the State Department estimates the total expenditure at \$76,450,000.

Engineers, like physicians, proverbially differ. You have the estimates of both sides; take your choice.

It has been suggested that as the scheme of the *concessionnaires* was in the throes of a miserable dissolution, they would probably take a less sum than \$1,200,000; and some comment has been made on the statement of the Secretary that he would be willing to pay a "good round sum" to get their rights to the concession. I care not. I am opposing the whole scheme. I would not appropriate a dollar in the form and manner proposed. Yet it is fair to say that the *concessionnaires* have never, so far as I have heard, named a less sum than \$1,200,000 for their alleged interests.

Mr. PUSEY. Not round enough.

Mr. BURNES. That is said by my good friend and neighbor from Iowa to be not round enough. The kindred people inhabiting my friend's district and my own—adjoining districts—will never object to millions honestly expended in broad daylight for the general welfare, but one dollar of dark and secret expenditure, or of personal tribute, will become to its supporters as a millstone around the neck of the most expert swimmer.

I shall detain the House but a few moments more. I have fought this scheme earnestly, and perhaps warmly. If I have wounded any of my good friends on the other side, I beg they will pardon me. I would not do so willfully. I abhor the scheme and denounce it. The impudence of these *concessionnaires* arouses indignation, and I denounce them. They know they have nothing to sell, but they would gladly sell nothing for \$1,200,000 of the money of a people who have honored them and trusted them beyond any possible desert.

The 24th of October next will soon arrive. A little more than three months and the fatal day of the concession will be upon the heads of the *concessionnaires*. Visions of a lost speculation are already materializing everywhere before them. Having placed themselves, as they had fondly hoped, across the pathway of their Government—an exalted connection with which gave them the opportunity to secure the concession—they have waited, in insolent and audacious neglect of their obligations to Nicaragua, as imaginary obstructionists to the progress of our national and international commerce, for the door of the national Treasury to be opened to them. They have waited in vain. Only sand is beneath their feet. The calm intelligence of the American people is succeeding to and expelling corruption in high places. An era in which, under cover of partisan zeal and a pretended patriotism, any scheme of plunder was possible has passed away, we trust, forever. The inherent nature and surroundings belonging to every proposition we are beginning to consider regardless of the magic power of any great name or the productive courtesies and blandishments of any one in great station.

The 24th of October is near at hand; hence the necessity for haste. The light of a restored reason is turned upon our action; hence the necessity for secrecy. The voice of the people is again the voice of God; hence the necessity for concealing, by appropriations to secret-service funds, how the public money is expended. Misfortunes—if that is not a word too charitable—have come upon some of the twelve. For them, surely, this Government is not responsible. Sympa-

thetic as we are, we cannot be expected to relieve them, directly or indirectly, from the national Treasury. The twelve *cessionnaires* of Nicaragua have shown enterprise in adventure, but no progress in their undertakings. Apostolic in number, they should have exhibited some apostolic results. The administration has been shown, perhaps, apostolic graces not seen by us. Deep in the archives of the State Department, it may be, are unanswerable evidences justifying the honorable Secretary in his enthusiastic campaign for this much-coveted appropriation; but if so, they have been deemed too sacred or apostolic to be communicated to the mere representatives of the people of the United States! Painful as it is to oppose the wishes of the Secretary, disappoint the twelve *cessionnaires*, or spoil a scheme so beautiful and fruitful to all save the Government and people of this country, we are yet compelled to declare that appropriations from the public Treasury must be for the public welfare and made plain and open to the eyes of the people. They abhor secret service and secret-service funds. They believe we are strong enough in the right to demand openly all we are entitled to; and more they do not desire us to ask.

We oppose, then, this amendment and shall continue to oppose it with every means at our command. To allow it is a further surrender of the Monroe doctrine, a surrender of our traditional continental policy. It would be a violation of one of the solemn treaties of this Government with a friendly power. It would be taking \$1,450,000 out of the public Treasury and giving it to private persons *for nothing*, under the miserable pretense that this Government will undertake to build a ship-canal across Nicaragua at a cost of from \$75,000,000 to \$300,000,000. Beyond all this, it would recognize the right of the representatives, the servants, of the people to take the money of their constituents secretly and expend it secretly without their knowledge or consent. To this we can never consent. It is anti-democratic, anti-republican, and contrary to the spirit and genius of our institutions. [Applause.]

SPEECH ON ARMY APPROPRIATION BILL.

AUGUST 1, 1888.

The House being in Committee of the Whole on the state of the Union, and having under consideration the amendments of the Senate to the bill (H. R. 10234) making appropriations for the support of the army for the fiscal year ending June 30, 1889—

Mr. BURNES said:

Mr. CHAIRMAN: I have not been in the habit of thrusting myself into a debate unless it seemed to me absolutely and indispensably necessary. I can only say now, in making a seeming departure from my regular course, that the illness and absence of the distinguished chairman of the Committee on Appropriations [Mr. RANDALL], who is a member of the subcommittee on fortifications, afford me an incentive and perhaps a justification.

I shall premise the remarks I will submit on this occasion by calling attention to the fact that the subcommittee in charge of the fortifications bill, now on the Calendar of the Committee of the Whole, was composed of my colleagues from Texas [Mr. SAYERS], from Alabama [Mr. FORNEY], the honored chairman of the Appropriations Committee [Mr. RANDALL], from Ohio [Mr. BUTTERWORTH], and from Kansas [Mr. RYAN].

The views I shall present are my own, but it is believed that they are in accord with those of the distinguished gentleman whose absence has caused me to speak.

I listened on yesterday with much interest and attention to the argument of the distinguished gentleman from Maine [Mr. REED], and it is almost idle to say, what nearly every member upon this floor concedes, that when he states his propositions to the House he follows them to their logical conclusions with an accuracy that is excelled by but few. He stated his proposition yesterday in reply to the distinguished gentleman from Georgia [Mr. BLOUNT], and upon the proposition so stated by him his argument was logical, close-fitting, and unanswerable. But upon the propositions as laid down by my friend from Georgia, the argument of the distinguished gentleman does not, in any sense, apply. What was the proposition, or what were the several propositions of the distinguished gentleman from Maine?

He stated first that the Senate of the United States was a co-ordinate—a co-equal—branch of the legislative power of the Government with the House. Who disputes it? Certainly not my honored friend from Georgia. He laid down as a proposition that we had no right to dictate to the Senate of the United States upon what bill it should place its legislation. Who disputes it? Conceding every proposition that he made, and then what is left for us but the very ground upon which the distinguished gentleman from Georgia leaves it, namely, that while we concede equality to the Senate and its right to put upon any House bill it pleases such legislation as it may have the power to originate under the Consti-

tution of the United States, we claim for this House a perfect equality of right. This House has the same rights on its part that the Senate has in its own behalf; and, inasmuch as the Senate is the coequal of the House, except in so far as it cannot originate appropriation bills, so the House is the equal of the Senate in all respects, with the exclusive right to originate revenue or appropriation bills.

This is no partisan question. We represent the majority of the House to-day. But how soon may that side of this chamber represent the power, the dignity, and the honor of the House and be charged with the duty of enforcing and preserving its rules.

Mr. GEAR. Very soon. [Laughter.]

Mr. BURNES. It may be soon, which God forbid. It may be late, as I believe it will be.

Mr. TOWNSHEND. It never will be.

Mr. BURNES. Brother TOWNSHEND says it never will be.

Mr. RYAN. That settles it. [Laughter.]

Mr. BURNES. As he is our prophet I accept it, too, as it is supported by the unanimous voice of my side of the House. [Renewed laughter.]

Now, Mr. Chairman and gentlemen, I desire to appeal to your love and respect for the body of which we are all members, to your own self-respect, to the honest pride of American Congressmen, and to their sense of duty in maintaining the rights and prerogatives of the House against Senatorial usurpations. I desire to lift you from your knees before that grand Sanhedrim—sometimes called a social club—at the other end of this Capitol and place you upon your feet as free and independent men, knowing your rights and the rights of the House, and having the courage to maintain and protect them.

What is your right? You have made rules and regulations for the government not of the Senate but for the government of the House. It is not the Senate's business, we will say, to observe or enforce your rules, but it is manifestly the business of the House to enforce its own rules and maintain its own dignity. Throughout the Forty-ninth Congress, when my friend from Illinois [Mr. TOWNSHEND] was a member, and a leading member, upon the Committee on Appropriations, this question of making appropriations for fortifications was agitated between the two Houses. Bills came and bills went, and they went and came, every time to and from the Committee on Appropriations and the Subcommittee on Fortifications. The same differences existed then that exist to-day. The same disposition of the Senate to carry through its measure by any practicable means that existed then is apparent now. The conflict between the Senate and the House in the Forty-ninth Congress had some curious features, to which allusion should be made, and the members on both sides of the chamber ought to take notice of them. The Senate was urging upon this branch of Congress the very measures which now appear as amendments on the bill of the Committee on Military Affairs. They were the issues then as they are the issues now. Your Committee on Appropriations with a veteran spirit of legislation steadily resisted the propositions which the Military Committee has been quick to approve; and it seems fair to assume that because of this eager approval by the committee the

Senate Committee on Appropriations has leaped over the established and known comity between the two Committees on Appropriations, the customs of legislation between them, and the well-known rules of the House of Representatives, known as fully by the Senate committee as by the House committee, and all to transfer jurisdiction over a vast field of proposed national expenditure to a committee of the House committed in advance to the policies of the Senate Committee.

But I am delaying an explanation of my remark that there were some curious features about this proposed legislation. During the first session of the Forty-ninth Congress there was reported to the Senate of the United States a bill entitled "A bill to encourage the manufacture of steel for modern army ordnance, armor, and other army purposes, and to provide heavy ordnance adapted to heavy modern warfare and other purposes." This bill provided for the establishment of a gun foundry at the Watervliet arsenal, West Troy, N. Y., and authorized the purchase of 10,000 gross tons of gun steel. Pending the consideration of this bill in the Senate, the House, during the same session of the Forty-ninth Congress, passed the regular appropriation bill providing for fortifications and other works of defense. The Senate passed that bill with amendments appropriating \$6,000,000 for the purchase of gun steel, and provided for the erection of the gun foundry at the Frankford arsenal, Philadelphia.

I will only allude to the motives influencing gentlemen elsewhere by calling attention here and now to this significant change in legislation proposed by the Senate, and leave it to the consideration of thoughtful members to determine the reason for such sudden change in the minds of those behind this proposition. Then Watervliet was a mere incident; Philadelphia was the right place. But your committee yielded not. The question was higher and more sacred than that of a mere location. It was above all personal considerations, or ought to have been, and was, with the House subcommittee. Now, it is Watervliet again, as the change to Frankford did not increase the activities of support of the Senate amendments.

There is yet another question in this connection that I would call to the attention of the House. The Senate amendments under consideration embrace in substance and effect the features of one of the regular, distinctive appropriation bills, which, under the rules of the House, is assigned to the jurisdiction of the Committee on Appropriations.

If this House should by its action concur in this amendment, placed in violation of its rules and of the joint parliamentary practices of the Senate and House upon an appropriation bill emanating from a committee having no jurisdiction, it will give warrant to the Senate, in the future, to usurp the rights and even the constitutional privileges of the House, among which is the sole right in the House of originating appropriation bills; for the fortification appropriation bill, which the House directs by its rules to be made by the Committee on Appropriations, has been made in the Senate and has been tacked on to the bill of a committee which did not originate it and had not the power to originate it.

There is now pending in the Senate a bill (S. 62) for the purpose of providing fortifications and other defenses recommended by a board appointed by the Presi-

dent of the United States. This bill proposes an appropriation of \$126,377,800. If the action of the Senate now under consideration is not met with stern opposition on the part of the House, may we not expect at the next session that the army appropriation bill will be returned to this body with an amendment of the Senate embracing this bill, appropriating out of the moneys in the Treasury, either now or hereafter to be collected, this startling sum of \$126,377,800?

Mr. CUTCHEON. Will the gentleman permit a question?

Mr. BURNES. I am very weary in this heated caldron, and would rather not be interrupted.

Mr. CUTCHEON. Do I understand you to say that the fortification bill of the last Congress located the works at Frankford arsenal, Philadelphia? If I do so understand you, I have a bill before me which you will find at——

Mr. BURNES. I did not hear what the gentleman said.

Mr. CUTCHEON. It says to be located——

Mr. BURNES. Give me your question again.

Mr. CUTCHEON. It says to be located at such place as the Board of Ordnance shall determine.

Mr. BURNES. I say that in the original bill that was reported in the Senate it was proposed to establish the gun foundry at Watervliet, but the amendment placed upon the fortification appropriation bill embraced, in all respects, the substance of that bill, except that it was proposed to establish the gun foundry at the Frankford arsenal, in Philadelphia, instead of at the Watervliet arsenal.

Mr. CUTCHEON. The House bill in the Forty-ninth Congress does not locate it at Frankford, but leaves it to be determined by a board of ordnance at such place as they shall determine. In the last hours of the last Congress——

Mr. BURNES. I am not talking about what was reported from a conference committee in the dying hours of the session, either by the chairman of the Committee on Appropriations or any one else; I am speaking of the action of the Senate in amending the House bill by the insertion of the Frankford arsenal as the place of location, and in daring impudently and wrongfully to invade privileges of the American House of Representatives and requiring that we should sacrifice our rules at its behest and renounce the constitutional right of the House to originate bills of appropriation. The motive is a proper subject of inquiry.

Mr. TOWNSHEND. You are speaking about what occurred in the last Congress, not in the present, of course.

Mr. BURNES. I think there is no misunderstanding about what I have said in regard to this proposition.

Mr. Chairman, the representatives of the United States assembled in this House owe a duty to themselves as well as to the people of this great country and their public Treasury. Will you not look into the quality and motives of legislation that comes to us from another body? That is the question, and it is intimately connected with the preservation of the rights, the usefulness, the dignity, and the honor of the American House of Representatives, and the orderly, economical, and constitutional appropriation of the public revenues for the proper administration of the General Government.

Perhaps I ought not to go further, yet I cannot forbear. In deference to my estimate of one of the purest men who ever sat in the American Congress I make a further observation. When this changed proposition—Frankford not Watervliet—came to the head of the Committee on Appropriations he saw in it only the mistaken estimate that local considerations might prevail over the interests and rights of the people, over wholesome and necessary legislation, and over just and proper expenditures. Whatever, therefore, may have been the motive of this Senate amendment made to the House bill in the Forty-ninth Congress, its author turned to Watervliet and turned his back on unappreciative Frankford. Like a weary dove long on the wing, he finally lit, a wiser, perhaps a better, man. His fight is now located. Watervliet is the incident, the sale of five million dollars' worth of steel by some oversupplied baron the object.

Mr. CUTCHEON. Will the gentleman allow me to interrupt him for a moment?

Mr. BURNES. I cannot resist the gentleman from Michigan, and yield.

Mr. CUTCHEON. Did I understand the gentleman to say that it was Mr. RANDALL's desire that these works should be located at the Frankford arsenal?

Mr. BURNES. Of course you did not.

Mr. CUTCHEON. I so understood the gentleman.

Mr. BURNES. Nobody else did, I hope.

Mr. CUTCHEON. In the colloquy which occurred on this subject in the last Congress Mr. RANDALL said:

I wish to say, in reply to the insinuation of the gentleman from New York, and I appeal to my colleagues on the committee to substantiate my statement, that I never favored Frankford at all.

Mr. BURNES. Precisely; and I have been endeavoring to show that, even under the tempting bait of \$126,000,000 proposed to be ultimately expended at Frankford, the chairman of the Committee on Appropriations never wavered for an instant. Favors to his own State or people could not make him see as right that which his judgment taught him was wrong. I ask the clerk to read the Senate amendment to the fortification bill of the last Congress.

The clerk read as follows:

For the purchase, manufacture, and erection of the necessary tools and machinery for the finishing and assembling of heavy ordnance at the Frankford arsenal, Philadelphia, Pa., for guns in process of construction, gun-carriages, projectiles, fuses, powder implements, and materials for the trial and proof of such ordnance, and to complete the two 10-inch breech-loading steel guns now under fabrication, their trial and proof, and all necessary expenses incident thereto, including the compensation of draughtsmen on gun construction while employed in the Ordnance Bureau, \$400,000; to be available until expended.

Mr. BURNES. Mr. Chairman, I ought not to leave this subject without saying that while I have done honor to the gentleman who is, perhaps, entitled to the chief honor in this matter, I should not omit rendering a just tribute to the other members of the Committee on Appropriations of both parties, who watched this proposed legislation closely throughout the whole of the Forty-ninth Congress, and who stood, I believe unanimously, against the Senate proposition and in favor of that of the House; and while I am not authorized to speak for them now, and

they are abundantly able to speak for themselves, I trust in God they will speak out, whether upon the one side or the other. I trust they will speak out and give the House to understand that they too have felt, as we have all felt, that this proposition of the Senate was a labored effort to accomplish an appropriation of more money than ought to be now appropriated for the purchase of steel rather than by a desire for the utilization of Watervliet, the utilization of Frankford, or the protection of the interests of the Government and the people of the United States.

Mr. CUTCHEON. I want to ask the gentleman one more question. Is it not a fact that all three of the measures now under consideration, the Senate amendments, the fortification bill reported by the gentleman from Texas [Mr. SAYERS], and the Senate bill, all name Watervliet as the location? Is not that true?

Mr. BURNES. I have not examined with reference to that subject.

Mr. CUTCHEON. I have.

Mr. BURNES. I presume the gentleman has done so and that he states the truth about it. I am not speaking of the propositions now pending further than to say that they do not commend themselves to the judgment of the Committee on Appropriations, nor, as I believe, to the representatives of either party upon that committee. Mere questions as to location should have no influence. The necessities, the practicable wants of the country as a whole should be the supreme consideration.

Mr. CUTCHEON. One more question. Is it not a fact that since the bill of the Forty-ninth Congress was before us a board has been appointed by the Secretary of War, known as the Flagler board, of which Colonel Mordecai was a member, and that that board recommended Watervliet?

Mr. BURNES. I beg that the gentleman will not interrupt me further. He has his own time. I care nothing for Watervliet, have no feeling against it.

Mr. Chairman, I come to a consideration which I regard as of great importance, not only to this House, but to the people of the whole country.

In strict justice, perhaps, to myself I ought to say that I have no fear of the invasion of this country by any foreign foe. I have no apprehension; I see no necessity for the expenditure of \$120,000,000 to \$150,000,000 at this time for national defense, and therefore I am not in favor either of the one bill or of the other. I presume the majority of the Committee on Appropriations are in favor of some legislation in this direction, with which, however, I have never been able to agree. I do not believe in this legislation. I believe that it is partial legislation. I believe that it is the expenditure of millions of the people's money on account of an imaginary or pretended risk that a very few of the 60,000,000 of our people may incur. I can see why my distinguished and energetic friend from the district of Troy may be alarmed, because he has Watervliet there to represent. I can understand that. I am sure that he feels an apprehension that an armed fleet from Great Britain or Germany or France will sail up the Hudson river into the heart of his district and lay his prosperous towns and cities under tribute. But I do not share the apprehension at all.

Yet, as was suggested by the distinguished gentleman from Maine [Mr. REED], there may be one chance in a thousand that we may have difficulty with some

foreign nation or may have a foreign war. Now, to meet that possible chance, are we to undertake the expenditure of a sum of money so vast as that proposed when the same amount would give us a navy that could command the oceans around the globe; or, what is more important still, could protect every mile of our seacoasts against the combined navies of the world? Already we are moving unitedly in this direction, and the present able administration of the Navy Department is alive to the safety, the defense, and the glory of our country and its flag. Shall we learn from a consideration of the fact that neither England, nor Germany, nor France, nor Russia, nor any other first-class power places any reliance upon an established manufactory of this sort? No one of those governments maintains such an establishment as is proposed in this bill. Why? Because Germany and the other European states prefer to leave this work to their Krupps and their other able and distinguished private citizens who, under proper support from the government, are making the very best guns in the world.

But we do not stop there. If any government of Europe, from which some of my friends may apprehend an attack, should attack us, what do we want more than terms of equality in the conflict? Those powers have no government big gun manufactory on which they mainly rely. Why shall we fear assault any more than they? Besides, we are in a condition of protection and defense fully equal to any of them. What have we to fear?

Mr. CUTCHEON. They have the big guns, however.

Mr. BURNES. Yes, sir; and we are going to have the "big guns." We have the "big guns" now being made, and we have, furthermore, the very best establishment for that purpose in the world. I ask the clerk to read the paragraphs marked on pages 4 and 5 of the report of the present distinguished Secretary of the Navy, one of the ablest that has ever been at the head of that Department, and who enjoys the perfect confidence and esteem of the members of this House on both sides of that aisle.

The clerk read as follows:

The Navy Department had, in the summer of 1886, as an experiment, consolidated in one advertisement all of its requirements for armor and gun-steel for ships of war then authorized, stipulating that it should be of domestic manufacture and giving an average of two and a half years in which to produce and deliver it, which covered the time necessary for the procurement of a plant. A period of about seven months was allowed for the submission of bids, in order to afford an opportunity for full investigation by expected bidders. The Department also opened correspondence upon the subject with the principal steel manufacturers of the country. The interest awakened by the discussion and investigations already had was stimulated somewhat by the influence of the Department, and resulted, when the bids were opened, in a contract with the Bethlehem Iron Company, under which a plant for the production of armor and gun-steel is being erected at Bethlehem, Pa., second to none in the world, it is believed. (Appendix, page 459.) The efforts of the Department were generously seconded by the Naval Appropriation Committees of the two Houses, the sum of \$4,000,000 having been inserted in the appropriation acts for the purposes indicated.

The bids were opened on the 22d day of March last, and, coming at a time when the failure of Congress to make provision for the country's defense was being generally regretted, caused a feeling of quite universal congratulation throughout the country. It marked a most important step in the

progress toward national independence, most sincerely desired, it is believed, by the larger portion of our people.

* * * * *

In like manner the contracts for armor and gun-steel are made at prices within 25 per cent. of the European price for the similar article, not greater than the difference of labor between the two countries, notwithstanding the heavy outlay for plant (estimated at \$2,500,000) necessary to be made to undertake the contract.

Mr. TRACEY. Will the gentleman allow me a word by way of correction? I presume he would not intentionally make a misstatement.

Mr. BURNES. Certainly I would not. I yield to the gentleman.

Mr. TRACEY. It might as well be said here now that, so far from its being the fact that the European governments have no government gun factories, Germany is the only one that has none. England has its gun factory at Woolwich; France, an army gun factory at Bourges and a naval gun factory at Ruelle; and Russia has at Obookhov a very large government gun factory.

Mr. BURNES. Mr. Chairman, a word will suffice on that point. England maintains just about such an establishment as ours at Watervliet; but England buys the Krupp and Armstrong guns from private parties. None of the governments mentioned rely upon their national establishments for big guns. That is enough for that.

Mr. Chairman, I recall with emphasis to the hearts and consciences of members on the other side and doubly so to those on this side of the House, that in this country, as the Secretary of the Navy tells us, private enterprise has established at Bethlehem, Pa., a plant for the making of these guns, which plant is the best in the civilized world. Not only that, but the guns can be made within 25 per cent. of the cost of the Krupp guns and other European guns; so that we can make these guns for less money than they are made in Europe, allowing for the difference between American and European wages.

Mr. CUTCHEON. The gentleman will allow me to say that Secretary Whitney does not propose to assemble and fabricate his guns at Bethlehem, but has a gun factory here in the District of Columbia where that is to be done.

Mr. BURNES. I wish I had some military prestige, as I would like to meet the gentleman upon equal terms. [Laughter.] It makes no difference whether the material only for the guns or the guns are made at Bethlehem or elsewhere.

Mr. TRACEY. Mr. Chairman—

Mr. CUTCHEON. I do not suppose the gentleman wants to leave this matter under misimpression or misapprehension.

Mr. BURNES. I will make this statement and you can draw your own conclusions. I do not seek, of course, to make any misstatement or create a misimpression, but if there is any mistake it is by the Secretary of the Navy, for I adopt his own words; they are not my own so much as his. He tells you that American enterprise, American industry, American citizens, and American capital are now engaged in Bethlehem, Pa., with the prospect of creating the best establishment in the world, and of making guns within 25 per cent. of the guns in Krupp's works, and in other leading establishments in Europe.

Mr. CUTCHEON. And the gentleman ought to know that the steel forgings made there they propose to work up in the Government factory in the District of Columbia.

Mr. BURNES. I rely entirely on what the Secretary says, and which has been read from his report. Beyond that I am not informed as to the facts. Indeed, I do not care to look beyond the information possessed by a Secretary of the Navy who has our united and unreserved confidence.

Now, then, friends of American industry, American enterprise, American labor, and American principles—and I am one of them—will we put the Government into a controversy and competition with private enterprise and capital? Shall the Government turn manufacturer, farmer, mechanic, or laborer when our own citizens are so engaged? Must the Government turn competitor in industrial pursuits when her wants can be supplied by private enterprise, and when the only incentive seems to spring from the greed of somebody who desires to contract now for \$5,000,000 of steel?

The rights and dignity of American labor are involved in this present proceeding. He who labors merely under the restraints and exactions of Government employment is shut out from the field of independent enterprise, and too often becomes a mere machine, dwarfed in both mental and physical force. A government should do nothing that private enterprise and labor can as well perform, and I hope the day is soon to come when American workingmen in American shops and field will supply their own Government and the governments of the earth with every article or commodity that their necessities may require. Especially do I hope that our own Government will cease enlarging its establishments, cease the spread of its paternal wings, and rely entirely upon our people for what it needs in peace or war, as it has to rely upon their courage and valor when the country is to be saved or defended.

Mr. CUTCHEON. Is not the gentleman aware of the fact that the Senate amendment proposes exactly what he suggests; that these products are to be manufactured in American establishments, in American shops, by American labor, except perhaps samples of high explosives?

Mr. BURNES. I say to the gentleman from Michigan that the Government should stand aloof, and let the people, let the private enterprise and the spirit of American industry and progress, have full play in the making of big guns as in the making of small-arms. Let the deathless spirit of our home labor, enterprise, and craft recreate our industrial pursuits and add to them every aid and incentive within the power of a just and equal government of the people.

Mr. CUTCHEON. We propose to manufacture the army guns just as the navy guns are now manufactured.

Mr. BURNES. You propose to do it by a Government establishment, over which the "popinjays" of the War Department will preside. You do not propose an opening of the doors to a full and free competition—citizen with citizen—but of the Government against all. American citizens, American capital, and American enterprise are incompetent to compete with the Government, especially for such things as the Government undertakes to manufacture.

Mr. CUTCHEON. I think the gentleman ought to withdraw the word he has applied to the ordnance officers at all events, because in that Department there are young men who are distinguished in their studies, and able and competent as any in the world.

Mr. BURNES. Let us see. As I understand, a representative of the War Department was before the Senate of the United States giving his views and advice in support of this measure. If I am in error in that statement the gentleman from Illinois [Mr. TOWNSEND] is responsible.

I am here with testimony by half dozen or more witnesses that a very intelligent representative of the Department appeared before the Committee on Appropriations of the House, and upon a careful examination said that one and one-half millions of dollars would be sufficient to purchase all the steel the Watervliet arsenal could manufacture or use in the next five years. Now you want to buy \$5,000,000 worth of steel, as alleged, by the advice of a representative of the Ordnance Department, and my friend, the gentleman from Michigan, has asked me to recall an accidental and playful word of criticism when I said the popinjays of the War Department would have charge of the proposed works. Referring to the man who gave advice to the committee of the Senate in favor of a \$5,000,000 purchase of steel, as against the better and sounder advice given to the House committee in favor of \$1,500,000, I am not quite sure that the term popinjay is not too flattering.

Mr. BUTTERWORTH. I understood the gentleman from Michigan to say that the head of the Ordnance Department had appeared before the committee of the Senate. It was not the head of the Ordnance Department who appeared before the House committee, but Captain Smith, of the Department. It is quite possible therefore that one representative of the Department appeared before the Senate committee and another one before the House committee.

Mr. BURNES. It was Captain Smith who appeared before the committee of the House and satisfied all of us that an appropriation of \$1,500,000 was an ample amount to purchase all the steel that could be used by the Watervliet arsenal within the next five years. Now we are told that some representative of the same bureau went to the Senate committee and asked for \$5,000,000 instead of \$1,500,000. My faith is in Captain Smith, and he is an able, honest, and fearless gentleman.

Mr. REED. But the gentleman from Michigan objected to the use of the word "popinjay."

Mr. BURNES. Well, that is a question of fact, and it ought to be susceptible of demonstration if one officer comes to the House committee, as Mr. Smith did, and another one goes to the Senate committee, as it is alleged, with a different story.

Mr. REED. I must say I do not think it is a question of fact, but rather of imagination.

Mr. BURNES. I will say that probably by the time the gentleman from Maine gets through with an investigation he will find that there is more justice than imagination in the poetic designation of popinjay as applicable to the Ordnance

Bureau, for if it appear that while one of its representatives is here advising an appropriation of one and a half millions of dollars to cover the expenditure for a certain purpose, there is another representing the same bureau making quite a different representation to the other branch of Congress, the designation is a mild form of well-merited criticism upon others than Mr. Smith (who impressed us most favorably), and who are perhaps his superior officers.

Mr. CUTCHEON. As a matter of fact, the House bill was formulated and sent to the committee by the Chief of the Ordnance Bureau himself. But I understood the gentleman to use the word in the plural without reservation. Now I simply respond to that that the term should not be allowed to stand without contradiction, because we have as brilliant young men in the Ordnance Department as in any other department of the Government, Captain Smith and Captain Birnie.

Mr. BURNES. Well, I do not know that "popinjay" is a very offensive term as applied to military men in times of peace. [Laughter.]

In reply to my friend from Maine, I wish to say that I have not attempted to do more than state the facts, and one of the facts is that Mr. Smith appeared before the committee of the House and represented that one and one-half millions of dollars would purchase all the steel that could be used at Watervliet in the next five years.

Mr. TRACEY. Now, Mr. Chairman——

Mr. BURNES. Now, what is the point?

Mr. REED. That was stated before what committee?

Mr. BURNES. I merely refer you to the statement on the other side, to wit, the speech of my friend from Illinois on yesterday.

Mr. REED. But before what committee was the statement made?

Mr. BURNES. Before the Committee on Appropriations, and I refer the gentleman to his and my friend, the gentleman from Illinois [Mr. CANNON].

Mr. REED. Was that statement printed?

Mr. BUTTERWORTH. I think it was all taken down.

Mr. BURNES. It has not been printed, I think.

Mr. TRACEY. I have the report here of the testimony.

Mr. BUTTERWORTH. Reference was made, I will state, to the purchase of \$5,000,000 worth of steel. It was suggested that in purchasing that large amount they might get it at a reduced price, and, like Toodles' coffin, it would be handy to have it in the house in case it was needed. I am interpolating Toodles' coffin. [Laughter.]

Mr. REED. I am afraid my friend from Ohio is interpolating the other suggestions also.

Mr. BUTTERWORTH. There was no suggestion to the Committee on Appropriations by any ordnance officer of economy in the buying of \$5,000,000 worth of steel, except that in buying the large quantity better rates might be secured. There was no pretense that over \$1,500,000 would be needed for use for the next five years.

Mr. REED. I understand that Mr. RANDALL two years ago recommended the purchase of \$6,000,000 worth.

Mr. BUTTERWORTH. That is an error. There were conditions under which quantities of steel could be purchased.

Mr. CUTCHEON. Were you not a member of the conference committee in the Forty-ninth Congress, which reported on this bill recommending \$16,000,000?

Mr. REED. The very conference committee which recommended the six million dollars.

Mr. BUTTERWORTH. We recommended it in what connection? Only in case it was needed in the fabrication of certain guns, but not as a bulk purchase of steel ingots or forgings for guns, without reference to the necessities of the service. The committee was not opposed to the manufacture or purchase of guns. The exact reverse is true; but they were opposed to steel rings. The purchase of five or six million dollars' worth of steel, without reference to whether it could be used or not, was objectionable.

Mr. REED. Steel rings!

Mr. BUTTERWORTH. I understand the situation with which we had to deal; and I submit if the gentleman will confine himself to his own reservation and there indulge in his caustic remarks he will find ample opportunity to develop his ability. [Laughter and applause on the Democratic side.] I am not calling in question the wisdom nor underrating the necessity of making ample provision for purchasing steel and providing a suitable plant, and the bill we have reported does all that, but I am answering a question propounded to me.

The committee of the last Congress did report in favor of purchasing steel in ample quantity, but in connection with it, my friend will observe, provision was made for employing private enterprise, as well as public officers and agencies, in the procurement of guns. The objection to the bill then as now was that it provided for drawing upon the resources of the United States and not merely upon the ability of the Ordnance Department. And in case guns were produced by and at the cost, expense, and sole risk of private enterprise, and the gun or guns so produced should meet the public requirements and be equal to every requirement of the service in the matter of range, accuracy of fire, and power of endurance, a given number of such guns should be purchased, no matter by whom produced, the point being to get the best gun and at the most reasonable price. That was the idea, and as a result, instead of drawing only upon the Ordnance Department or a few officers of that corps, we proposed to draw against the entire resources of this country—its genius, its capital, its patriotism, and its enterprise—and there was the rock upon which we split. We proposed to purchase all the steel we confessedly needed. Other gentlemen insisted that we should purchase three times as much or nothing. We proposed to provide an ample plant and have the Ordnance Corps go ahead and manufacture guns, or rather assemble them; but that was not acceptable unless we consented to shut out all individual enterprise or competition, and permitted a few officers to be the sole judges as to whether a private manufacturer should have any show to supply the Government with guns.

We had some hot exchanges because the gentleman from Maine thought he took a broader view of the situation than some of the rest of us, while we deemed his plan to be unjust; but that is not a matter of consequence now.

I beg the pardon of my friend from Missouri [Mr. BURNES]. I did not desire to take him off the floor ; but I want time enough to say that we asked the officers of the Ordnance Department, who appeared before us during the past two months, concerning the quantity of steel required by the Ordnance Corps. Captain Smith, who seems to be a clear-headed, earnest, and patriotic officer——

Mr. HENDERSON, of Iowa. And who ought to be promoted.

Mr. BUTTERWORTH. And who doubtless merits promotion, as my friend suggests. I have confidence in his judgment ; and he agreed with the committee except in one matter—he wanted the Ordnance Department to have original and exclusive jurisdiction in judging of all guns brought in competition with work invented or fabricated by that Department ; that they should decide first and finally as between the guns, and that there should be no appeal from their judgment and no one associated with them in making the tests.

Mr. CUTCHEON. Being experts.

Mr. BUTTERWORTH. Experts, indeed ! Wisdom will not die with them, I think, in this country nor anywhere. This country abounds in men of genius ready and ripe in practical experience to produce anything that the exigencies of the public require, and if they can produce the best or a better gun there is neither wisdom nor justice in excluding them from the field of competition. But I will say that I asked Captain Smith, and though I do not profess to give the exact language used, I asked him this substantially : “ Captain Smith, do you not think it would be a little hard on your competitors to have you sit as sole judge on the article brought into competition with the one produced by yourself ? ” Well, he admitted that there might be some reason in adding to the judges. And my friend will agree that if he and I were in competition that we would prefer that the gentleman from Maine [Mr. REED] or the gentleman from Kansas [Mr. RYAN] should sit in judgment along with me rather than that I should be the sole judge. Would you not ?

Mr. CUTCHEON. I rather think so.

Mr. BUTTERWORTH. I think so, too. And that is what is proposed. We propose to draw upon scholarly men in the matter of passing upon the merits of guns produced by private enterprise, experienced and skilled in the art, so as to enable them to sit in judgment on certain tests and decide whether the inventive genius, ability, and patriotism of this country has produced a gun that this Government ought to purchase. Now, there was a difference between Captain Smith and ourselves ; and I will here pay the tribute due to the worth of that officer to say that he appeared to be just and fair. I will not apply to him the term used by my friend from Missouri in the heat of debate, because in this instance it is not deserved.

I asked him about this : “ Captain, would you not draw upon the resources of the whole country, its patriotism, capital, and inventive genius ? ” He replied, “ Yes, sir ; I think that would be proper ; ” and this House knows there is no surer agent than genius and capital combined, inspired by the hope of honor and profit. And the only difference of consequence between Captains Smith and Birnie and the committee was as to the limit of the jurisdiction of the Ordnance Bureau in a matter of passing judgment on the guns produced——

Mr. SAYERS. Will the gentleman from Ohio allow me to ask him a question?

Mr. BUTTERWORTH. I only obtained the floor with the consent of the gentleman from Missouri for the purpose of answering a question.

Mr. SAYERS. Did not Captain Smith say that one million and a half dollars' worth of steel was abundance at this time?

Mr. BUTTERWORTH. Undoubtedly he did; and the figures given were the result of careful calculations by the officers mentioned. There appeared to exist no trace of doubt in the mind of the representative of the Ordnance Corps that \$1,500,000 for the purchase of steel would be sufficient to meet all requirements for five years. The purchase of the larger quantity was merely a question of possible advantage in making better terms.

Mr. SAYERS. Did not Captain Smith further state to the committee that a million and a half for steel was an abundance at this time?

Mr. BUTTERWORTH. I have stated that. Undoubtedly he did, and the figures received from the Secretary of War show that it is abundant. He said that all they could possibly do they could do with the material that would be purchased with that appropriation.

Mr. CUTCHEON. There is not any doubt about that, if you want to buy only the steel that you need this year.

Mr. BURNES. Mr. Chairman, the best military authority on this continent, so far as I am concerned—the best military authority to me—is the distinguished soldier a part of whom is sleeping in the dust of Southern battle-fields and the balance of whom is occupying a seat on the other side of this House—I mean the distinguished soldier and statesman, General HENDERSON, of Iowa. He tells me he thinks I ought to withdraw the word “popinjay,” and I do so very cheerfully, because I was so pleased and delighted with the frank and honorable demeanor of Captain Smith that on his account I can forgive the \$5,000,000 Senate representative. Indeed, I was only led into the observation, which I now withdraw, because of a remark made by the gentleman from Illinois [Mr. TOWNSHEND], from which I inferred that the Ordnance Bureau had sent representatives to talk one way here and a different way in the Senate. But I withdraw the remark, and take great pleasure in doing so.

The Committee on Military Affairs of this House, as shown by the gentleman from Texas [Mr. SAYERS] on yesterday, had indicated its disposition to favor unanimously the amendment of the Senate which is now under consideration. That committee introduced and reported a bill to this House which committed it to the support of the Senate proposition. It was the object of the Senate committee doubtless to avoid the House Committee on Appropriations. They well knew our rules, because we have been legislating and conferring with them for years and years under them, and conferring constantly in the line of the rules. They undertook to put this proposition upon a bill that they knew did not have jurisdiction of it. Now, even if it were true that the Senate may be said to have the power, as the gentleman from Maine claims it has, to put this provision upon any bill it pleases, we certainly have the same right to take it out of that bill in which the Senate placed it and put it in another bill where it belongs under the rules of the House.

The dignity and honor of the House, the integrity of its organization, and the autonomy of its committees demand that this latest effort at usurpation should be sternly rebuked. The Committee on Appropriations makes no appeal for itself. It is fighting a battle for the House, for right over wrong, for justice against injustice. It has given long and patient study to the subject of guns for fortifications (sometimes with the gentleman from Maine). It differs from the Senate committee, and that committee knows it well. It has presented its views to the House in plain terms, and they are both conservative and patriotic.

The Committee on Appropriations (of the House) is conscious of duty well and properly performed, and it respectfully submits that these Senate amendments should be stricken from the bill where they now are.

Mr. Chairman, the gentleman from Illinois [Mr. TOWNSEND], in forty-three minutes of a speech, undertakes to argue a point of order, and he says that by the rules of the House his committee—his present committee, not his former one—has jurisdiction over this amendment. The position taken by the gentleman cannot be supported by a single argument, a single authority, a single precedent, or the judgment of a single official of this House. The Committee on Rules, when it came to take away from the Committee on Appropriations jurisdiction of certain appropriation bills and to distribute them among the other committees, respectively, made a full and decisive report upon the subject. I need not remind the House that at the head of the committee making that report was the distinguished Speaker of this House, and that its membership includes Messrs. RANDALL, MILLS, REED, and CANNON. That Committee on Rules, then, reported the rules now in force to the House, and in doing so they said in their official report:

The fortification bill, being one relating jointly to army and navy fortifications and the general public defense, is left with the Committee on Appropriations.

Then the Committee on Rules, in the very act giving the Military Committee any power or jurisdiction over the subject of appropriations, emphatically negated the present claim of the gentleman from Illinois; and when it was done where was the gentleman from Maine? Evidently he was at hand, agreeing and consenting to the report, or we should have heard from him in unmistakable hostility. But, sir, if that be not authority enough, as it certainly ought to be, I will call attention to a decision of Speaker CARLISLE, which finally and irrevocably settles this question of jurisdiction.

Mr. REED. I want to hear that.

Mr. BURNES. And I do not believe that even the learned logician from Maine can longer oppose the position we have taken after hearing the decision alluded to.

I read from the RECORD:

MANUFACTURE OF HEAVY ORDNANCE, ARMY WARFARE.

The SPEAKER also laid before the House the bill (S. 662) to encourage the manufacture of steel for modern army ordnance, armor, and other army purposes, and to provide heavy ordnance adapted to modern army warfare, and for other purposes.

Mr. McADOO. Mr. Speaker, I make the same point of order with reference to this bill that the gentleman from Michigan made with regard to the preceding bill, that under clause 11 of the eleventh rule, which provides—

“That all proposed legislation relating to the military establishment and the public defense, including the appropriations for its support and for that of the Military Academy, shall be referred to the Committee on Military Affairs”—
that this bill should be so referred.

Mr. REED. I ask that the bill be read for the information of the House.

The bill was read at length.

Mr. REED. I make the same parliamentary inquiry as to this bill that was made with reference to the other—that is to say, if it goes to the Committee on Appropriations, will that committee be at liberty to report at any time?

The SPEAKER. The Chair will state that so much of this bill as relates to the procurement of ordnance—guns—has usually, the Chair thinks, been included in the sundry civil appropriation bill when any appropriation was made for that purpose at all, and the remainder of the bill, providing armor for fortifications, is a subject over which the Committee on Appropriations has jurisdiction by the express terms of the rule of the House. The Chair thinks, therefore, this bill properly belongs to the Committee on Appropriations.

Could anything be plainer or more decisive? This bill almost in terms was before the distinguished Speaker of the House when the attention of the distinguished gentleman from Maine was called to the proposition, and the Speaker held that it was referable properly to the Committee on Appropriations.

Mr. REED. Does the gentleman from Missouri regard that as a precedent for his action?

Mr. BURNES. Will the gentleman from Maine repeat his question?

Mr. REED. Does the gentleman from Missouri regard this as an authority upon this question?

Mr. BURNES. I certainly do, for it settles the question of jurisdiction by the highest authority of the House, and leaves us no alternative but to maintain the integrity of our rules and the jurisdictions of our committees or ignobly surrender to an impudent assumption of the Senate—

Mr. REED. And that, therefore, upon a point of order this Senate amendment would be stricken off?

Mr. BURNES. Well, I do not say that.

Mr. REED. Why not, if that is a decision of this question?

Mr. BURNES. Because the point I make is this: That the Senate has willfully disregarded our rules and attempted to confer jurisdiction in violation of them.

Mr. REED. Oh, “willfully.”

Mr. BURNES. In my judgment, willfully and impudently; for they knew our rules—knew the House alone could originate bills of appropriation, and had through the whole of the Forty-ninth Congress contested face to face with the representatives of the House committee in conference. Hence, I say it willfully placed this proposition upon the army appropriation bill because the Military Committee had formed and expressed an opinion with regard to this kind of legislation more favorable to it than that which the Committee on Appropriations had declared.

Mr. REED. That is, they put it on this bill because they thought they could pass it better in this way than the other?

Mr. BURNES. Exactly.

Mr. REED. And that you regard as a violation of the rules of the House?

Mr. BURNES. I think it is. The intention was bad. With full knowledge of our rules and rights as an equal under the Constitution, the Senate proposes to indirectly originate an appropriation bill contrary to the Constitution and contrary to rules which, as to this subject, they are bound to take notice of.

Mr. REED. Can the Senate violate the rules of the House?

Mr. BURNES. Technically, we may say the Senate can do as it pleases. I started out with that proposition.

Mr. REED. I wish you had kept on with it, because if you had you would have been safe.

Mr. TOWNSHEND. I wish to correct the gentleman from Missouri in justice to the Senate.

Mr. BURNES. My time is rapidly coming to a close. The gentleman can occupy his own time hereafter.

Mr. ROGERS. I would like to ask the gentleman from Missouri whether he has examined the matter so as to be able to state to the House the historical aspect of this question—that is to say, exactly how this bill, which is an exact counterpart of the one reported from the Committee on Military Affairs, and now on the Calendar, ever got to that committee, so as to be reported back to the House.

Mr. TOWNSHEND. If the gentleman from Missouri will allow me, I can give the exact historical facts on that question.

Mr. BURNES. I see my time is about to expire. Sir, I like equity and justice as well as law; and I think, in view of the fact that I have been considerably interrupted while on the floor, I ought, by common consent, to have ten minutes longer.

Mr. REED. I move that the gentleman's time be extended.

The CHAIRMAN. The gentleman from Maine [Mr. REED] asks unanimous consent that the gentleman from Missouri [Mr. BURNES] be allowed to proceed ten minutes longer. Is there objection? The Chair hears none.

Mr. TOWNSHEND. Now, I hope the gentleman from Missouri will allow me to answer the gentleman from Arkansas [Mr. ROGERS].

Mr. BURNES. The gentleman will have his time. The history of this bill is easily told. I can merely state it historically, as suggested by my friend from Arkansas. My friend from Illinois [Mr. TOWNSHEND], the distinguished chairman of the Committee on Military Affairs, was during the Forty-ninth Congress a member of the Committee on Appropriations, but at the opening of this Congress he was transferred from that committee to the chairmanship of the Committee on Military Affairs. While a member of the Committee on Appropriations he was a part and parcel of the struggle between that committee representing the House and the committee on the part of the Senate. He was familiar with the efforts which were made; he knew the position of the Senate and the position of the House; and I would be doing great injustice to the parliamentary knowledge of that distinguished gentleman if I should say he was not familiar with the rules of the House. Be that as it may, the gentleman, having taken part in this contro-

versy, is transferred to a position at the head of the Committee on Military Affairs; and his committee—I cannot say just now who introduced the bill—reports a bill the counterpart of the Senate amendments. All of us understand how references of bills are frequently obtained in violation of the rules of the House.

Mr. TOWNSHEND. In justice to myself—I do not ask anything but simple justice—I want to say to the gentleman from Missouri that while I was a member of the Committee on Appropriations no such controversy arose as the one we have here to-day, and no such question as that involved in the Cutcheon bill ever presented itself during the whole time I was upon that committee. This is an entirely different question from any that came up while I was a member of the Committee on Appropriations.

Mr. BURNES. Here is the bill which, if I had time to read it, would not be in harmony with the statement of the gentleman. This question was before us throughout the Forty-ninth Congress; and what may have been the position of the gentleman I need not undertake to state; but that the bill was before that committee through the Forty-ninth Congress goes without saying, because everybody ought to know it as a fact.

Mr. TOWNSHEND. The point is, and I do not want my friend to get away from it in order to do me injustice—the point is simply this, that the Military Committee reported the Tracey or Cutcheon bill, providing for the establishment of a gun factory, and authorizing the purchase of steel forgings. That is all the question presents. But the question that the gentleman from Missouri raises is that the bill did not belong to the Committee on Military Affairs. Now, I assert, without fear of successful contradiction, that no such issue came up in the last Congress, or in the prior Congress, or in any Congress of which I have been a member. It was not then, is not now, a question whether such mode of dealing with the subject, in the shape of amendments, belonged to the army bill or to the Appropriations Committee. What I hold is that what is known as the “Cutcheon or Tracey” bill was reported, after being referred to the Committee on Military Affairs, and that committee had jurisdiction, and properly reported the bill. But no such issue as my friend suggests has ever arisen during my service in Congress.

Mr. BURNES. Now, the point before the committee is plain. Conferees are to be appointed upon the bill reported from the Committee on Military Affairs to represent the House in a conference with the Senate upon these amendments, and upon one of them specifically, which proposes to appropriate \$5,000,000 for the purchase of steel. That is the issue, and that this House will do well to bear in mind, because it is not competent to say what the Speaker may or may not do, but if conferees from the Military Committee should be appointed the novel spectacle will be presented of having excluded as conferees those who under the rules of the House have the subject-matter of the conference in charge, and furthermore we shall recognize thereby the right of the Senate to originate an appropriation bill in lieu of one lawfully authorized under the Constitution.

In other words, the House by constitutional procedure provides for a fortification appropriation bill. That bill the Senate ignores, and makes—originates—a fortification appropriation bill of its own, and tacks it to a bill having no jurisdiction over the subject.

It cannot be disguised that the Senate has knowledge of a quondam courtesy in the House by which they expect conferees on the part of the House from a committee friendly to the amendments—committed in advance to them. Shall the scheme be carried out? Shall the rights of the House be handed over bodily to the Senate and \$5,000,000 be taken from the Treasury and invested in steel that the Government will not need in a decade of years?

If this mode of legislation is now recognized, or if conferees favorable to it be appointed and thereby the success of Senatorial cunning over the rules and honor of the House should be secured, it will not be the fault of the Committee of the House on Appropriations, who protest against it and oppose the steel. [Laughter.] I mean the purchase of the steel, for I do not want my language to be offensive to any member of the House or Senate.

Mr. MAISH. The Committee on Appropriations is in favor of something to that effect themselves.

Mr. BURNES. The Committee on Appropriations has its bill on the Calendar. That bill, when the proper time comes, is to be considered. The House has jurisdiction of the subject. We will all have something to say when that bill comes up for consideration. "Sufficient unto the day is the evil thereof." Let us simply say that the Committee on Appropriations has taken jurisdiction, has reported a bill which is upon the Calendar ahead of the military bill, and the gentleman from Michigan and the gentleman from Illinois can offer the Senate amendment as an amendment to that bill, and test the judgment of the House through the channels which the rules have established for that purpose.

Mr. Chairman, I owe the House an apology for this protracted effort in discharge of a duty to an absent friend. I know he will be grieved if this House, in which he has served so long and with such great distinction and usefulness, should neglect to protect its rights or its honor from this shameless assault. He has seen the jurisdiction of the Committee on Appropriations invaded so often and to such a degree that I doubt not he has reached the solemn conclusion that another invasion of its powers—an invasion as now proposed—and the committee will be a thing of the past. Gentlemen who voted to distribute certain appropriation bills to other committees at the first session of the Forty-ninth Congress are no doubt now in the mood of that devisee in the will case, alluded to by our genial friend from Mississippi [Mr. ALLEN], who, owing to the trouble of conducting the contest of the case in court, almost wished that "Dad hadn't died." So you gentlemen are no doubt almost sorry that you ever invaded the jurisdiction of that committee and took from the Appropriations Committee of the House the military bill and gave it to the Military Committee, to say the least of it.

Mr. Chairman, for your indulgence and for that of the Committee of the Whole House I sincerely thank you and them. I have tried to avoid wounding any one, and hope I have succeeded. Regarding the honor of the House as involved, I have not been able to be as gentle and forbearing as I trust my habit is; but as saintliness in manners and expression is not always expected in our sudden debates, I feel confident I will be pardoned for every word that may seem either harsh or unkind to any one. [Applause.]

SPEECH ON TIMBER FOR MINING AND DOMESTIC PURPOSES.

SEPTEMBER 1, 1888.

The House having under consideration Senate amendment No. 118 to the sundry civil appropriation bill—

Mr. BURNES said :

Mr. SPEAKER : I cannot accept the remarks made by gentlemen either upon the right or the left as applicable to the issue now pending before the House. The question is something very different from that which gentlemen have assumed it to be. They have discussed the merits and the demerits, the efficacy and the inefficiency of the law of June 3, 1878, as if we were proposing to legislate with respect thereto on this general appropriation bill. The amendment of the Senate is placed upon the House bill, and is now urged upon us by the Senate conferees with full knowledge that its principal, if not only, object is to effect the dismissal of various suits of law instituted and to be instituted by the law officers of the Government against six or seven of the great mining corporations of Nevada for timber cut on public lands of the United States and converted to their own use, amounting to the handsome sum of \$10,000,000. This being the issue, let us consider it in its nakedness and view it in all its deformity.

The House bill as sent to the Senate contained the following provision :

For expenses of depositing public moneys received from the disposal of public lands, \$10,000.

This was the innocent and harmless little provision upon which the Senate drafted its rider, without kinship or parliamentary connection, and obnoxious to the rules of the Senate, as well as of this House, prohibiting legislation on appropriation bills.

Upon that provision, relating only to the transportation of certain public moneys of the United States, the Senate amendment now under consideration is before you, and was before us in conference, as follows :

No part of the money appropriated by this act—

Not this provision, mark you, but no part of the money appropriated by this entire bill—

shall be used in the investigation of any case—

Observe, Mr. Speaker, the audacious proposition, that investigation must cease, and in every case, too—

or in the prosecution of any person in the mining regions of the United States, for cutting for mining or domestic purposes dwarf or scrub timber unfit to be sawed or hewed into timber of commercial value.

Much as this amendment is out of place on the particular provision of the bill just read, and foreign as it is to the subject-matter it pretends to amend, its object and intention are plain. Examinations and investigations by sworn officers of the

law as to the wholesale depredations upon the timber lands of the United States in Nevada by rich and powerful mining companies are putting the latter to some trouble and expense, and causing some anxiety lest the facts when ascertained may develop a system of unparalleled wholesale robbery and lead to retributive justice upon the wrong-doers. Therefore the first proposition of the amendment is to stop these investigations. Somebody may get hurt if the Interior Department is allowed to go on with them, and hence to save wounds upon men and things in Nevada investigations, say the Senate, must cease at once !

The second proposition of the Senate amendment is, that certain suits pending and in contemplation and certain criminal prosecutions shall cease and be no further prosecuted by the Government. True, the Government is already in possession of evidence from official sources that \$10,000,000 of Government property has been seized and carried away by certain named law-breaking managers and owners of mining corporations, but as it might embarrass their business and throw their agents and employes out of employment, the Senate seem to realize with persistent determination that no suits or prosecutions shall be continued.

To understand the nature of these suits and proceedings the law upon which they are based may be profitably considered.

The following is the much-violated statute of June 3, 1878:

Be it enacted, &c., That all citizens of the United States, *bona fide* residents of the State of Colorado or Nevada, or either of the Territories of New Mexico, Arizona, Utah, Wyoming, Dakota, Idaho, or Montana, and all other mineral districts of the United States, shall be, and are hereby, authorized and permitted to fell and remove for building, agricultural, mining, or other domestic purposes, any timber or other trees growing or being upon the public lands, said lands being mineral and not subject to entry under existing laws of the United States, except for mineral entry, in either of said States, Territories, or districts of which said citizens or persons may be at the time *bona fide* residents, subject to such rules and regulations as the Secretary of the Interior may prescribe for the protection of the timber and of the undergrowth growing upon such lands, and for other purposes: *Provided*, The provisions of this act shall not extend to railroad corporations.

SEC. 2. That it shall be the duty of the register and receiver of any local land office in whose district any mineral land may be situated to ascertain from time to time whether any timber is being cut or used upon any such lands, except for the purposes authorized by this act, within their respective land districts; and, if so, they shall immediately notify the Commissioner of the General Land Office of that fact; and all necessary expenses incurred in making such examinations shall be paid and allowed such register and receiver in making up their next quarterly accounts.

SEC. 3. Any person or persons who shall violate the provisions of this act, or any rules or regulations in pursuance thereof made by the Secretary of the Interior, shall be guilty of a misdemeanor; and, upon conviction, shall be fined in any sum not exceeding \$500, and to which may be added an imprisonment for any term not exceeding six months.

In pursuance of this statute the Secretaries of the Interior—commencing with Secretary Schurz and continuing with slight amendments and additions to the present day—have established and prescribed rules and regulations for the protection of the timber and the undergrowth growing upon such lands, and some of these are as follows:

1. All citizens and *bona fide* residents of the States and Territories mentioned therein are authorized to fell and remove, or employ others to fell and remove, or to purchase from others who fell and remove any timber growing or being upon the public mineral lands in said States or Territories :

Provided, a, that the same is not for export from the State or Territory where cut; *b*, that no timber less than 8 inches in diameter is cut or removed; *c*, that it is not wantonly wasted or destroyed.

In addition to the liberal license thus given by law and regulation, the instructions of the Department to Government timber agents, showing the utmost tenderness toward those who honestly and fairly use the growing timber, are appended as follows:

INSTRUCTIONS TO SPECIAL TIMBER AGENTS.

* * * * *

[Object of protecting timber upon Government land.]

3. The object of the Government in endeavoring to prevent the waste and destruction of public timber is primarily to preserve it for the wants of future generations, having, of course, due regard for the requirements of the present. The result of the destruction of forests in permitting a more rapid melting of the snows in spring than would occur in the same region if well sheltered, and in decreasing the capacity of the soil to retain moisture after rains—in both cases increasing the liability to sudden and devastating floods, not only in the denuded sections, but sometimes hundreds of miles distant—also the well-established climatic influence of such destruction in diminishing the annual rainfall to the serious detriment of regions already subject to frequent droughts, are other reasons which render the preservation of the public timber a matter of vital importance not only to the agricultural but to many other extensive interests.

* * * * *

44. Special timber agents should remember that it is not the purpose of the law, nor of the regulations of this Department, to prohibit the use of so much of the public timber as may be actually needed by *bona fide* settlers for agricultural and domestic purposes, but to prevent its being made an article of speculation for the pecuniary gain of a few individuals to the detriment of the many, or from being wantonly wasted or destroyed. When an agent understands this and convinces the people in the district to which he is assigned that such is the case, he will find no difficulty in securing their active support and co-operation.

* * * * *

50. It is not the object of the Government to persecute poor wood-choppers, or cutters who are employed or induced to fell or remove the timber for others who are to reap the profits therefrom; but to punish the principals therein, or the parties to be directly benefited in the case, they being the more guilty parties.

51. Care should be taken to ascertain whether the alleged trespasser has any right or authority to take such timber as specified under heads of "Homestead or pre-emption entry," "Right of railroad companies, etc.," and "Mineral lands." (Pages 6 to 11.)

* * * * *

53. Having all the facts in your possession you should (see section 3, circular of May 27, 1885) at once fill out a form of report (in duplicate) and transmit the same to this office, being particular to state the facts in full under each head, and in accordance with instructions given under the head of "Manner of making reports of timber trespass."

You should call upon the trespasser in every instance where practicable, and request him to state his side of the case, under oath.

In bold and defiant disregard of the law and regulations cited, it is understood that certain mining corporations have systematically cut or had cut and used for their own gain all the timber, regardless of age, size, or quality, growing upon lands adjacent to their mines; and, not satisfied with that, have carried their work of sacrifice and destruction over vast areas of the public lands which are tributary to other mines, and naturally belonging to the millions of the future who are to

open and work those other mines yet hidden from mortal eyes. The Department seems to have forborne hasty prosecutions, but the Secretary and the Commissioner of the General Land Office have been vigilant in thorough investigation. The official reports of the reliable agents of the Government soon advised them of the extended frauds that had been committed, and the United States attorney of the State of Nevada joined in bearing testimony to them. His letter of April 28, 1887, to the Secretary and the Commissioner is so creditable to himself and so courageous and patriotic, in view of his surroundings, that I send it to the clerk to be read.

The clerk read as follows:

RENO, NEV., *April 28, 1887.*

DEAR SIR: As the subject of this communication falls within scope of your circular of date May 7, 1886, to registers and receivers of United States land offices and special agents of General Land Office, issued by honorable Commissioner and approved by honorable Secretary, and is of importance to the Department as well as to the General Land Office, I trust will prove a sufficient excuse for making this communication a joint one. As you are doubtless aware, I have been appointed recently, and on 4th instant qualified as attorney for United States of district of Nevada. Complaints have been made to United States Marshal Thomas E. Kelly, of this district, and to myself, as district attorney, within a few days past, that for years past and still continuing, hundreds of men, mostly Italians, may be thousands of them, have been systematically engaged in cutting off into cordwood or burning into charcoal thousands of acres of timber on land belonging to the Government without even the pretense of pre-empting it or buying it from either State or United States.

In the region about Eureka, in this State, alone there has probably been several hundred square miles of land covered with a growth of nut-pine timber from 8 to 10 inches in diameter to 30, and from 8 or 10 feet to 30 feet in height, and with cedar considerably less in diameter and height, have been swept bare, and probably one or two million cords of wood have thus been taken off of public land, and mostly consisting of mineral land, without any color or pretense of right to the same, all, too, for purposes of commerce, not by miners for their mines, or for improvements on the land. In a district of mineral land 30 to 40 miles away from Eureka, and outside of the mining district that embraced Eureka, on or near the Eureka and Palisade railroad, at or near what is called Pine Station, Alpha Antelope mining district, Cedar Station, etc., there are boss Italians, or leaders among their countrymen, who have grown quite rich on these speculations, or rather wholesale robberies, of the timber on the public lands.

That railroad is constantly engaged in carrying and in buying and selling this wood at Eureka and other points, all directly contrary to the act of June 3, 1878, referred to by you in your circular above referred to, and contrary also to section 4 of act of same date, providing for sale of timber land in Nevada, etc. (pages 89 and 90, 20 Statutes at Large).

C. Boltiere has now five hundred cords cut, Gabriel Zonola, at Alpha, over one thousand cords, and eight or ten other leading men have considerable amounts. The Eureka and Palisade Narrow Gauge railroad is engaged in hauling it in their cars every day. This wood last spoken of—four-fifths of it—is not over 5 inches in diameter, and scarce one tree out of fifty is over 8 inches in diameter. The fact is, all that land was culled and cut over once, taking all trees of any size, and now they are cutting it over a second time and sweeping every young tree and bush over 2 or 3 inches in diameter.

These men have all been notified by men owning mines right among this timber to desist from cutting it; told if they would leave what was standing and haul off only that already cut they would not be complained of. The railroad company aforesaid has been notified to desist hauling the wood thus cut, but the parties thus complaining have been treated with contempt.

This information I have from a mining man, the president and superintendent of several mines in the immediate vicinity of this timber land. His motive, of course, is to preserve the timber for the lawful purposes provided for by the acts above referred to, namely, for purchase and for mining

and domestic purposes, etc., as permitted by the act. He is verified in his statements by the observation of the marshal, Thomas E. Kelly, who has been very recently, namely, within ten days or so last past, through this country. In fact, the same state of facts, of my own knowledge, will be found to exist in the vicinity of Austin, White Pine, Belmont, Pioche, and every other large mining camp in this State, and throughout all the mountainous timbered regions of California where examples have not been made.

I have no doubt that many thousand cords of wood could now be found and seized in various parts of this State cut off of mineral land reserved from sale and public land not sold. I have no doubt this state of affairs will continue unless examples are made. I have no doubt large recoveries could be made from persons taken red-handed in the act. I have no doubt the former register and receiver of the Eureka land office must have known or shut his eyes and ears to keep from knowing about this wholesale robbery of the timber of the United States out in the eastern part of the State. There is but little timber of any kind near Carson, east of California State line, except what was fairly purchased, or at least pre-empted or purchased, by men who appeared to have fairly pre-empted or purchased such timber *bona fide*.

* * * * *

I would do all in an individual's power to prosecute, convict, and punish those bold robbers of the public domain, but without the direction and assistance of the proper Department—its influence, direction, and means at our back—we can do but little and might be blamed for that, both by the Government, on account of the expense incurred, and the citizens and communities affected.

So, gentlemen, we most respectfully refer these matters to you. If you think these people ought to be prosecuted for laying waste the small amount of not very high or very thick timber in this State, and that acts of Congress should be enforced, then send a special agent or appoint one here (to the manner born) to investigate these charges, to marshal the evidence, array the witnesses. I can put him on track in some cases, refer him to persons and their residences that will take warm interest in giving him all the information and assistance in their power.

If you do not think that course advisable, please inform me of your views and wishes in the premises.

I have the honor to be your obedient servant,

THOS. HAYDON,

United States District Attorney for Nevada.

Hon. L. Q. C. LAMAR, *Secretary Interior, and*

Hon. WILLIAM A. J. SPARKS, *Commissioner General Land Office.*

Mr. BURNES. Several months elapsed without any action being taken in response to this letter, and no special agent was sent to Nevada because of the limited or insufficient appropriations for the service. Mr. Haydon, the attorney of the United States before mentioned, had satisfied himself beyond doubt that great robberies had been perpetrated; and, receiving no orders to proceed to recoveries due the United States, addressed rather an impatient letter to Solicitor McCue, which I ask the clerk to read from the desk.

The clerk read as follows:

RENO, NEV., July 27, 1887.

SIR: Some two months or more since I wrote a long letter conjointly to the Hons. Secretary of the Interior and the Commissioner of the General Land Office, informing them of a wholesale despoliation of timber on the public lands of one mineral district in this State, much of which was of timber less than 8 inches in diameter, for firewood for sale and as a matter of commerce, to inhabitants of Eureka out of said mining district where cut, to the amount of several thousand cords, told them the same practice was common to all the mining towns and camps in this State

requested them to appoint a special agent of the land office to look into and investigate the matter, prepare the evidence, and bring the guilty parties to justice.

I was induced to write a joint letter because the Commissioner had issued a circular to the register and receiver of the land offices in the State calling upon them to investigate such cases, etc.

Without entering into particulars, it is notorious in this State that a wholesale robbery of the public lands here of their timber is indulged in in every mining section of the State, wherever cutting, hauling, and transporting such wood will pay a profit to the individual, without regard to the rights of the Government and the protests of individuals interested in the mining districts where such timber is found. I have had complaints from three different, widely separate mining districts of such trespasses.

Railroads make a business of carrying such wood and selling it, even against the notifications and protests of miners in such districts.

The honorables Commissioner of the General Land Office and Secretary of the Interior have not even had the courtesy to notice my communication.

I read an injunction to communicate such matters to you, in search of the duties of my office, and therefore this.

Very respectfully,

THOMAS HAYDON,
United States District Attorney for Nevada.

Hon. A. McCUE,
Solicitor of the Treasury of the United States, Washington, D. C.

The reply of Commissioner Stockslager is as follows :

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
WASHINGTON, D. C., *August 17, 1887.*

SIR: I have received, by reference from the Solicitor of the Treasury, your letter of the 27th ultimo, relative to timber trespass upon the public lands in Nevada, and commenting upon the fact that there had not been accorded any reply to a previous letter upon the same subject addressed by you to the Secretary of the Interior and to the Commissioner of this office conjointly.

The delay in replying to the letter, which was referred to this office by the Secretary, arose from the impracticability of appointing a special timber agent at that time for duty in Nevada, owing to the insufficiency of the appropriation for the protection of the public timber. At an early day, however, arrangements will doubtless be made whereby an agent may be assigned to the service in your State.

Your communications upon the subject have been fully appreciated and considered, and the interest thereby manifested for the protection of the public timber is truly gratifying, betokening as it does a spirit of co-operation with the efforts of this Department towards accomplishing that end.

Very respectfully,

S. M. STOCKSLAGER,
Acting Commissioner.

Hon. THOMAS HAYDON,
United States Attorney, Reno, Nev.

Mr. BURNES. I have had this correspondence read for the purpose of showing that the Commissioner of the Land Office took no step hastily or prematurely, but when he was thoroughly convinced that the law and regulations had been grossly violated, that thousands of acres of the public land had been ruthlessly denuded of all its timber by a few corporations (mining and railroad), he caused legal proceedings to be commenced. These proceedings are the cause of this Senate amendment. It has been urged that the prosecutions instituted will carry dismay to the poor people of Nevada. What criminal prosecutions, if any, were begun in that State against

wood-choppers were brought by officials of the Department of Justice, and not because of the labors of any special agent of the General Land Office, because no such special agent was then in the State.

There is neither suit nor prosecution begun or to be begun against any poor or laboring man who has taken only what timber he wanted for his uses, or who, as employé, has cut timber for the corporations sued. The Government is after the principals in the transactions, not their agents or employés; after wholesale plunderers, not their victims or tools.

Wherever *bona fide* citizens have taken timber for their domestic uses, for buildings, fences, firewood, or any other object, in their daily lives and labors, no inquiry even has been entered upon; but the corporations which have been sued for ten million dollars' worth are the strong and influential creatures whom the Government will legally chastise to a fair settlement and a final judgment, unless Congress shall interfere with the course of justice. Recognizing their guilt, and virtually acknowledging it, they appeal to Congress for a change of the law they have transgressed, and for a practical dismissal of suits which they are conscious must be sustained.

The law, they suddenly find, is very wrong. They tell us it needs amending, and needs it instantly.

They cannot wait the ordinary methods nor allow the proper committee, that on Public Lands, to investigate and report the subject. Oh, no; the most expeditious route, that by way of a Senatorial rider upon a general appropriation bill, has been selected. Time is important to them; they cannot wait. Delays, always dangerous, are doubly so when evil-doers would hide away from the officers of the law and the processes of the courts, or stop both of them. The law was wise, liberal, and good when they were taking the public property without conscience or remorse, but when they were detected and exposed it became very intolerable and bad. The familiar distich may not be inappropriate:

No rogue e'er felt the halter draw
With good opinion of the law.

Mr. Speaker, with a couple of incidents somewhat connected with this discussion I shall reach a conclusion.

Mr. STONE, of Missouri. I will ask my colleague whether it is not a fact that the defendants in some of these cases have offered to compromise?

Mr. BURNES. In reply to my friend and colleague [Mr. STONE], I answer his interrogatory emphatically in the affirmative. One of the pending prosecutions is for the recovery of \$126,880.94. The defendants made overtures for a compromise, and finally submitted an offer to pay \$3,000 for a release and acquittance. Three thousand dollars for \$126,880.94 of Government property! The offer was of course rejected by the faithful representative of our Government, but not until such offer had received the following eminent endorsement, which I send to the desk to be read.

The clerk read as follows:

WASHINGTON, D. C., April 27, 1888.

I, WILLIAM M. STEWART, Senator of the United States from the State of Nevada, do hereby certify that I am personally acquainted with G. W. Baker and J. W. Dorsey, the attorneys repre-

senting the parties herein named, and also with George W. Peltier and W. C. Price, comprising the firm of G. W. Peltier & Co., and also with the mining corporations mentioned in this proposition of settlement and the mining claims and mining operations carried on by each of them, respectively, in the Tuscarora mining district, county of Elko and State of Nevada.

That I have visited Tuscarora and am familiar with the character of the wood and fuel consumed by said mining companies, and am satisfied that the representations herein contained are candid and truthful, and fully and fairly present the volume and value of the wood and timber consumed by each of said companies, respectively; and, further, that the scattered and scrubby pine and cedar which is gathered in the region within a radius of more than 40 miles about Tuscarora never has been regarded as timber within the prohibition of the statutes. These scattered and scrubby bushes would never be used for any purpose if any other timber existed in that region, and besides there would be no necessity for using it if mines had not been discovered.

There would be very little of this scrubby stuff gathered from the crags of the mountains where it grows if only ordinary fire-wood was required; but it is necessary to have some hard wood to roast ores. The principal fuel, however, at Tuscarora, and which is consumed by the mining companies in carrying forward their operations, is sage-brush, which is gathered from the surrounding country. Under these circumstances I think that the offer of a compromise made is extremely liberal and should be accepted by the Government without hesitation, particularly in this case, where it would be extremely doubtful whether the Government would be able to make proof of the cutting of any wood (because it is a misnomer to call this scrubby stuff timber) or to establish any violation of the timber laws upon the part of any of the parties to this offer if they had put themselves upon the defensive and denied the commission of such trespass. Their frank admission and offer of settlement should insure for them fair treatment and prompt response on the part of the United States.

WM. M. STEWART.

Mr. BURNES. It will be observed that "the offer of a compromise made is extremely liberal and should be accepted by the Government without hesitation," in the opinion of the distinguished indorser whose official certificate has just been read. With all due consideration I am compelled to differ from this opinion, and believe that this House will concur in such difference, and sustain the firm and courageous efforts of the Commissioner of Lands to recover the just rights of the United States.

The other incident to which I am painfully constrained to call the attention of Congress and the country arises from a recent attempt, made elsewhere, to compel the honorable Commissioner of the General Land Office, whilst engaged against able and wary foes in the prosecution of these important suits, to "show his hand"—borrowing an expressive phrase from one of the "lost arts"—to the adversaries of the Government, and make public, in advance of a trial, his whole case. That this attempt was only partially successful enables us to indulge a hope that there is yet power in this Government to pursue violators of the law and bring them to justice, even when Congress is stoutly appealed to for intervention and release.

Mr. Speaker, concluding my remarks on this amendment, I beg to submit that it is an alien growth upon a constitutional appropriation bill; that it proposes to stop prosecutions and suits against confessed violators of our public law; that its purpose is to release to certain mining corporations \$10,000,000 which they justly owe for public property of the United States seized and converted to their own uses; that there is no purpose or intention of prosecuting, now or hereafter, any honest *bona fide*

citizen who obeys the law and takes only such timber as he needs in his own affairs; that six mining companies should not be allowed to discount the rights of posterity and consume their rightful heritage; that these six mines—all of Nevada, as they may be now—are not entitled to all the timber of the State growing upon undeveloped or undiscovered mines, in which hundreds of thousands of our people may be employed in the near future; that the arms of our faithful officials shall be upheld in their contests with freebooters for the just rights of the public; that honesty and not dishonesty shall be exempted from prosecution, and that, in the language of President Grant with regard to the whisky frauds of 1875, no guilty man shall escape.

The SPEAKER *pro tempore*. The question is, Will the House insist upon its disagreement to this amendment and agree to the further conference?

The question was decided in the affirmative.

SPEECH ON ESTIMATES AND APPROPRIATIONS.

TUESDAY, SEPTEMBER 18, 1888.

IT IS NOT THE AMOUNT OF APPROPRIATIONS THAT CREATES ANXIETY IN THE MINDS OF THE PEOPLE, BUT IT IS THE INTEGRITY AND WISDOM WITH WHICH SUCH APPROPRIATIONS ARE DISBURSED AND THE HONEST VALUE RECEIVED THEREFOR WHICH GIVE THEM CONFIDENCE AND CONTENTMENT.

The House having under consideration the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes—

Mr. BURNES said :

Mr. SPEAKER : It is not my purpose at this particular time to fully reply to the political speech of my colleague of the Committee on Appropriations, the distinguished gentleman from Illinois [Mr. CANNON], nor to make extended comment upon his statement of figures and his varied and unsupported deductions therefrom touching the general subject of estimates, appropriations, and expenditures on the part of the General Government pending the administration of President Cleveland.

When the general deficiency appropriation bill is returned here from the Senate (if, indeed, in the dire necessity of the Republican majority of that body to cover the nakedness of its pretenses respecting revenue questions, that bill shall ever find its way back to this end of the Capitol) I shall then endeavor to give the House, in the light of known and ascertained facts and in a business-form and manner, a true, impartial, and non-partisan statement of estimates and appropriations, regardless of political advantage of any nature.

But should I transcend somewhat this self-imposed limit, I must plead in extenuation the possible necessity for immediate and positive refutation of the erroneous statements and indefensible inferences and conclusions which characterize the remarkable and studied effort of my friend from Illinois.

I cannot, however, permit this occasion to pass without submitting some few observations that may serve to operate as an antidote, *pro tanto*, for the cunningly distilled poison which, even now, is dripping from consolidated telegraph wires in every quarter of the land. The ability and learning of the gentleman from Illinois, fully recognized and conceded by us all, have not enabled him to interpose a barrier against instantaneous perception of his erroneous assumptions, his injustice in conclusions and craftiness of insinuation. Many of these are so patent and undisguised they almost fail to demand the dignity of challenge.

The gentleman from Illinois gravely calls attention to the estimates of appropriations transmitted annually and from time to time to Congress through the Secretary of the Treasury, and because they aggregate an amount in excess of the appropriations, he makes them the basis of a charge of extravagance against the Executive

Departments of the Government under Democratic administration. It will need but a brief statement of facts to demonstrate the utter baselessness of this accusation.

What are estimates of appropriations and how are they made? They are the mere opinions of perhaps a thousand officials in the Executive Departments expressed as to the amount or amounts of money they desire to have appropriated. Each estimates for his own department, bureau, division, or office, and is probably not inclined to yield the benefit of a doubt against himself. But the Secretary of the Treasury, who *pro forma* transmits these opinions to Congress for its consideration, cannot reasonably be expected to have immediate personal or official knowledge of their correctness in respect to extravagance or otherwise. He forwards these estimates to the House, where in committee their authors are examined, cross-examined, and frequently re-examined by subcommittees as to each item. Even the heads of Departments do not escape rigid examination by the subcommittee in order to reach the correct basis for appropriation.

Here permit me to advance the proposition that while Congress is responsible for appropriations, the administration is responsible for the expenditures. Estimates are but the means to secure an end—a tool used upon a work, an aid, instrument, or agency employed in perfecting and completing the object desired. The gentleman from Illinois might with equal propriety criticise and condemn the architecture of a building because of the crudity of its scaffolding, as to charge extravagance upon the administration, not because of its expenditures, but on account of the mere preliminary recommendations and opinions vouchsafed by departmental officials regarding amounts thus estimated.

I disavow all reflection upon any official of the Executive Departments, either those now incumbent or of previous administrations, when I state that, for many years past, a pernicious custom has obtained to inflate rather than diminish, or even restrict within reasonable bounds, the sums total of many items estimated for. Possibly apprehensive that the Appropriations Committee, being charged with the duty and responsibility of closely scrutinizing the outlays and liabilities of the Government, might and doubtless would be disposed to exercise prudential economy, these officials are prone to frequently leave a wide margin to compensate for the probability of reduction in amounts. This is particularly the case in estimating for expenses of a contingent nature. In this way they seek to strike the happy medium and take all the chances incident to profit and loss. Although this practice of overestimate is rarely, if ever, disguised, and stands out embossed and self-confessed, it is no less mischievous and misleading.

The gentleman accuses the Democratic party of extravagance, because, as he alleges, the appropriations made by Congress for the four years of the administration of President Cleveland are \$96,000,000 in excess of the amount appropriated for the four years immediately preceding. The figures showing the totals of appropriations are open and of easy access to all, but the justice or injustice of deductions or inferences to be drawn therefrom is not so plain nor of such easy determination, especially to the uninitiated. For the four years from 1885 to 1889 Congress may have appropriated \$96,000,000 more than it appropriated for the four years from 1881 to 1885 without being properly amenable to charges of prodigality or extravagance.

A careful analysis of the nature and character of the individual items of appropriations during the two periods to be contrasted can alone determine whether economy and frugality are upon the side of the greater or the smaller aggregate of appropriations. Before such charge of extravagance can be justly preferred it must be ascertained what proportion of total appropriations was disbursed to meet the usual and ordinary expenses of government, and what proportion was provided for extraordinary obligations or liabilities originating prior to the period for which the appropriations were made.

The gentleman from Illinois does not claim to have made such an analysis. For all he has told us, 95 per cent. of the total appropriations made from 1881 to 1885 may have been expended in paying for the ordinary service of Federal administration, and only 75 per cent. of those made from 1885 to 1889 may have been so consumed. So we can concede the increase of \$96,000,000, as stated, and yet safely deny the deductions and inferences in which the gentleman has been so swift to indulge. An increased aggregate of appropriation is therefore no evidence of extravagance; but, even if it were, in what condition are the gentleman from Illinois and his party associates at the other end of the Capitol that they should complain of the representatives of the Democratic party on account of such increase?

Speaking more particularly for the appropriation bills which originate in the House Committee on Appropriations, I submit to the gentleman what increase in any one of them did he ever oppose? What proposed increase in any one of them, after it had been reported to the House and was under consideration in Committee of the Whole, did the gentleman ever fail to support?

Will not the gentleman admit that, if all the appropriation bills had passed both Houses as they were made up and reported by the House Committee on Appropriations, the aggregate would have been a less percentage of increase than that which marked the growth and increase of the country in population, public improvement, and diversified industries?

The charge of extravagance in appropriations for increases made through amendments added by a Republican Senate comes with a bad grace from representatives of that party. Surely the wolf was not more unreasonable with the lamb for disturbing the water below him. Increased appropriations have been forced by Republican influences upon bills prepared by Democratic committees, and now, with complacency and self-satisfied air of triumph, those identical Republican influences, at the closing hours of the session, sneer at us for results of which they were the sole and only cause.

I cannot forbear commending the speech of the gentleman to the consideration of certain of my party friends on this the Democratic side of the House, who have sometimes followed the lead of my friend from Illinois and others of his party in their efforts to override the carefully considered work of the Appropriations Committee. They can now perceive, and but too clearly, that partisan advantage is the essential life-essence of the politicians who constitute the minority of this body. Partisanship is their cloud by day and pillar of fire by night. Between the Republican Senate and the active, zealous, and able efforts of my excellent friend from Illinois and his party associates here, the judgment of the House committees has been too frequently reversed and set at naught.

Mr. CANNON. Allow me one moment. I do not think I am responsible for the increase of these appropriations. The gentleman and I have worked upon the Committee on Appropriations together, and I would be glad if he would point out any instance of that kind for which I am justly responsible.

Mr. BURNES. I cannot go into that matter at this time, but I will say that if my distinguished friend will point to a single proposition of appropriation with reference to which he failed to support the largest amount, I will suspend my remarks until the general deficiency bill shall be returned by the Senate.

Mr. CANNON. That, my friend will allow me to say, is not a fair statement. The gentleman has acted with me upon the Committee on Appropriations for a number of years, and he knows as well as I do that politics very rarely enter that committee-room. If he will look back over my record he will understand that I have not been in the attitude of increasing appropriations. Where I have asked further or additional appropriation it has been for reasons assigned at the time and, in my judgment, proper.

Mr. BURNES. Let me say—indeed, I feel it my duty to say—that the gentleman is correct in his statement that politics very rarely enter the room of the House Committee on Appropriations. Business methods and principles are applied to business propositions, and none of the members are more able, conservative, or clean-handed than the distinguished gentleman from Illinois [Mr. CANNON].

It is not of his work in committee that any one has a right to complain. Here, on the floor of the House of Representatives, in the broad view of his countrymen, with the inspiration of political combat illuminating his soul, he is sometimes, I am sorry to say, suspected of entertaining a slight partisan bias in favor of the Republican party. [Laughter.] Indorsing his integrity as equal to that of any gentleman on either side of the House, he will pardon me for adding that, whenever party questions are under consideration, he is at least as honest politically as he can afford to be. [Laughter on the Democratic side.]

Mr. CANNON. I want to return the compliment of the gentleman from Missouri [Mr. BURNES] so far as I can. I have thought sometimes, when he has had the control of appropriations in this House, and when under his lead appropriations have not been made, even where judgments have been rendered and where in one notable instance \$100,000 had accrued as interest upon a judgment of the Court of Claims because the gentleman opposed an appropriation for it—I refer to the Choctaw claim—I have thought at times that the gentleman was not as honest politically as he could afford to be. [Laughter on the Republican side.]

Mr. BURNES. Ah, the gentleman bears witness against himself. Here are nearly \$3,000,000 appropriated and paid this year for the Choctaw claim with the approval of the gentleman from Illinois, and it constitutes a part of the alleged \$96,000,000 increase of appropriations, when, as all know, the claim originated more than half a century ago, here in this city, and received continuous and tender nurture during all those years.

I did oppose the appropriation for this claim. It was a claim founded in doubt, prosecuted in uncertainty, and ended in exposure and disgrace. In my opinion, it was without merit and void of every element of justice. The form and covering

with which fifty years of effort on the part of a patient or impatient lobby had dignified it, did not change its nature nor give it a character before this high tribunal, in which is vested an independent part of the sovereignty of the people.

I am proud of my vote and action in opposition to the payment of this claim, and commend to the consideration of the gentleman the disgraceful result of the appropriation. When it was too late to remedy the mistake, claims for a "fair divide" carried into the courts of the District of Columbia, by bills of injunction and otherwise, one against another, developed the fact that over \$1,000,000 of the appropriation had been retained by parties in this city for services and expenses of the patient nurses of the now famous or infamous Choctaw claim. Is the gentleman still satisfied with his vote to pay it? But I should not be led away from the general subject of appropriations.

It is not, Mr. Speaker, the amount of money appropriated that causes anxiety upon the part of the people, because, unless they have carefully studied the vast machinery of this Government, with its almost innumerable agents and servants, they cannot determine what the aggregate of appropriations should be; yet they reach substantially correct conclusions as regards the economy or extravagance of every administration. I took it for granted that I was a fair sample of the average intelligent American citizen until I came to this House and was buried in yonder committee-room. [Laughter.] But even if I were not mistaken in this regard, I admit that I had no adequate conception at the outset of my Congressional career, either of the details or of the aggregates of necessary appropriations. The little I may know now of this subject I have literally dug out of the committee-grave by constant study and unrelenting labor.

So it is and must be with others besides myself. True, we have the examples and opinions of our predecessors, but each new object of appropriation is made to assume a special and particular form, when, as is often—too often—the case, the best legal talent of the country is employed to divert it from the safe paths of precedent and opinion by specious arguments and moving sentimentalities.

The work on appropriation bills of the distinguished gentleman from Indiana [Mr. HOLMAN], his examples and his teachings, together with those of the equally distinguished gentleman from Pennsylvania [Mr. RANDALL], establish landmarks and rules of action which future generations may safely observe. Avoiding parsimoniousness, these gentlemen have ever sought by strict, rigid, and definite appropriations to give every dollar necessary for respectable, honest, and economical administration and no more. But from 1875 to this hour their well-directed efforts on behalf of proper economy have been stigmatized as "cheese-paring" by a certain class of statesmen, who now charge in effect that these stalwart economists have suddenly become prodigal and extravagant in the matter of appropriations. Such men do not change so swiftly and radically.

Sir, it is not the amount of money that may be appropriated that causes anxiety or alarm to the people, but rather the character of the objects for which it is appropriated and the spirit of honesty and fidelity with which it is disbursed. The gentleman from Illinois says that for the four years' incumbency of President Cleveland Congress has appropriated \$96,000,000 more than was appropriated for the four

years of the Garfield-Arthur administration. Bear in mind that he is charging responsibility upon the party of which I am an humble member for this alleged increase of appropriations. Let us see. If the charge is true in form, it certainly is not true in substance.

I assume that the aggregate of appropriations for the four years ending June 30, 1889, over the aggregate of the previous four years will amount to, say, \$96,000,000, but the exact amount cannot be stated until all the appropriation bills are finally passed. What objects of appropriation caused this increase?

First, unusual obligations originating under former administrations, the Choctaw claims, and the Alabama claims awards.....	\$8,627,813 90
Second, the general postal service.....	45,490,485 14
Third, the navy.....	17,010,562 12
Fourth, pensions.....	12,819,003 32
Fifth, increase on account of fortifications and armament of the same.....	2,320,000 00
Total	\$86,267,954 48

Are not these objects of appropriations approved by the gentleman from Illinois? He tells us he favored the payment of the Choctaw claim, and he does not object to the payment of the Alabama awards. Did he not approve the payment of the Fox and Wisconsin River claims? And were they not all legacies of indebtedness originating long before the advent of the present administration, and were they not handed down to it for no purpose except for payment? The gentleman, in fairness of calculation and speech, should then eliminate these sums from the alleged increase of appropriations—not only these sums, but also numerous others of like nature which at this moment I cannot attempt to state. What else should he eliminate?

During the four years' appropriations pending Mr. Cleveland's administration, the House of Representatives originated and passed appropriation bills sufficient for a wise and economical administration of every branch of the public service. To these bills the Republican Senate added amendments aggregating \$81,777,447.24; so that, if the Democratic House had acquiesced in the bills just as they passed the Republican Senate, the aggregate increase of appropriations for the four years would be \$58,547,632.91 more than it is, or \$154,932,946.70, instead of the \$96,000,000 indicated by the gentleman from Illinois.

Again I ask the gentleman from Illinois, should he not in like fairness of calculation and speech give credit to the Democratic House for this sum of \$81,777,447.24 which his brethren and colleagues of the Senate by solemn enactment declared to be an administrative necessity?

The same fairness in calculation and speech requires the elimination of another important item from the \$96,000,000. During the four years of the present administration the Republican Senate, by stubborn resistance to the conferees on the part of the House, succeeded in forcing increased appropriations on the several House bills aggregating \$23,229,814.33. The gentleman now includes this sum in his calculation and makes it a part of the \$96,000,000 of alleged increase in appropria-

tions on which to charge the Democratic party with extravagance. If this be not rank partisan injustice I challenge any one to point to a single more pronounced instance of that character.

Now, with these amounts subtracted from the \$96,000,000—to say nothing of others of like character not now occurring to me—there may yet be a seeming rather than an actual increase in appropriations for which the Democratic party can justly be held responsible; but even then there is not balance enough of the \$96,000,000 left to represent the current increase in population or the progress and advancement of public works.

Here, Mr. Speaker, I might close my remarks with a just claim that the charges, deductions, and inferences of the gentleman from Illinois concerning increase of appropriations for the past four years were fully met and repelled; but I have another and more pleasing answer.

As I have previously averred, it is not the amount of money that is appropriated or expended which causes anxiety in the minds of the sovereign people, but it is the integrity with which such appropriations are disbursed and the honest "value received" which inspires the country with confidence and contentment.

One of the items of increase constituting a part of the \$96,000,000 relates to the navy, under the wise, able, and honest administration of that Department by the present distinguished and honored Secretary. The amount of this item is \$17,010,562.12.

On the 4th of March, 1885, the present administration, looking back over a period of twenty preceding years, was confronted with an aggregate expenditure of \$365,000,000, disbursed in behalf of an alleged American navy. When the integrity of the administration of the Department during that period was considered, and when the "value received" for that vast expenditure was examined and inventoried, shameful marks of maladministration and empty shells of worthlessness constituted the Department's inheritance. Chaos or disorder marked every bureau of the service; there were expenditures, but no battle-ships; expenditures, but no navy. The \$365,000,000 were gone, but the navy which ought to have been created was invisible. Even this extraordinary sum of money, if it had been honestly and intelligently expended in ship-building and armament, would have been justified by the people at large, who look mainly to the integrity and wisdom of disbursements and not so much to the amount of appropriations.

How is it during the past four years? Not a dollar has been wasted, not a dollar misplaced. Integrity, vigor, wisdom, economy, and "value received" are conceded, even by all of the Secretary's political adversaries, to have been the distinguishing characteristics of his superb administration. Sir, we have appropriated this excess of \$17,010,562.12 for a tangible and existent American navy, and we are proud of it—proud of the navy and proud of the appropriations! Four more years of like administration and our naval standing and power upon the high seas will have been regained. In the progress of this great reform inaugurated by Secretary Whitney, in the contracts made, in the work accomplished, in the disbursement of appropriated millions, not a whisper either of fraud, accident, or mistake has been heard. Even in this era of indiscriminate defamation, no speck

of calumny tarnishes the fair record of his clean administration. The President and the Secretary are above the possibility of reproach, and their subordinates in the Department bureaus, and in every branch of the naval service, are respected and honored for their successful and faithful labors. [Applause on the Democratic side.]

"Look here upon this picture, and on this," which preceded it. With \$365,000,000 worse than wasted in twenty years, with remembrances of maladministration by Robeson and of questionable contracts and construction by Roach, I venture to draw the veil of forgetfulness over evils of the past, and repeat that it is not the amount of money appropriated or expended which causes anxiety to the sovereign people, but it is the integrity with which appropriations are disbursed and the honest "value received" which give the country contentment and confidence. [Renewed applause.]

Another item of increase constituting the \$96,000,000 relates to the postal service. This amount aggregates \$45,490,485.14. As the Committee on Appropriations have not had control of the bill for this service since the Forty-eighth Congress, I hesitate to speak of appropriations reported by the Committee on Post Offices and Post Roads in the presence of the eminent gentlemen of that committee, who are much more able than myself to do justice to the subject. But whence comes that augmentation, and what have we to show for it?

It arises from an immense increase in the weight of the mails, stimulated and encouraged by the reduction of rates of postage, near the close of Mr. Arthur's administration, on all classes of matter; from the immense increase of mileage in the railway mail service, the extent of which will be better understood when I state that in the past year alone new postal service has been placed upon 12,000 miles of additional railway; from the rapid increase of population and the growth and development and the spread of settlement and habitation all over our vast country; from the great extension of the free-delivery service to one hundred and twenty-one additional cities, and finally from an extended star-route service, by which the mails are carried almost to every citizen's door.

These are some of the beneficent works of progress in the interest of all the people and the direct cause of increased appropriations for the postal service. But let us remember that among these appropriations we do not find a single dollar of private subsidy or tribute, large amounts for which purpose a Republican Senate fiercely and repeatedly sought to force upon a Democratic House. Nor do we find that a dollar has been wasted or misspent; nor has a breath of scandal touched the fair name or fame of either of the honored gentlemen who have administered the Post Office Department, nor of any of their subordinates.

Over the darkened past of former administrations of this great branch of the Government; over millions wasted and given in subsidies, and other millions stolen; over prosecutions and trials without convictions or recoveries, and over opulent malefactors who unblushingly walk the streets unwhipt of justice, I again draw the veil of forgetfulness, if not forgiveness, and repeat the shibboleth: It is not the amount of appropriation which disturbs the people, but rather the lack of

integrity in its disbursement, for such shortcoming brings condemnation to any party. [Applause on the Democratic side.]

Still another item of increase constituting the \$96,000,000! This amount is \$12,819,093.32, and was appropriated to pay pensions to worthy soldiers of the Union.

Sir, I have myself seen poor, ignorant, and deluded colored men shed honest tears of anguish over the election of a Democrat to the Presidential office. They had been cruelly deceived. They had been made to believe that, with the advent of this administration, they would be remitted to a condition of slavery; and I have seen not a few applicants for pensions deeply grieving because they had been led by Republican partisans to apprehend that the same event would deprive Union soldiers of their pensions, or at least prevent the granting of any more. After four years of results under Democratic administration, we can point with pride to the fact that individual, personal liberty was never before so secure, and that the increase of pensions to the soldiers of the Republic has so frightened the jealous souls of Republican politicians that they openly criticise the increase of appropriations under Democratic auspices to pay them. The gentleman from Illinois, who arraigns us for an augmentation of appropriations to the amount of \$96,000,000, takes no account of the fact that part of such increase is the sum of \$12,819,093.32 for payment of pensions. Does he object to that increase? If not, why does he include it as a part of the \$96,000,000 for the appropriation of which he has dared to charge us with extravagance? [Applause on the Democratic side.]

We had supposed, Mr. Speaker, that the gentleman from Illinois and his party associates had not ceased to pose as the champions and friends *par excellence* of the late soldiers of the United States, but with all their great capacity for political maneuver, we certainly had no expectation that they would advertise themselves as having no sympathy with objects of legislation and appropriation intended to increase pension facilities and to pay to the utmost farthing the sums due to our maimed, wrecked, destitute, or suffering heroes, their widows and their orphans. Have they not thrown off their disguise? Will they not now acknowledge that the Democratic party is the true friend of our veterans and their most liberal defender and supporter? We have increased the rate of pension to the widows, the rate of pension to nearly every class of serious disability, added during the fiscal years 1886, 1887, and 1888, under the administration of Mr. Cleveland, 156,303 honored names to the pension-rolls, and appropriated from the Federal Treasury a sufficient amount to pay all, and yet at the close of our patriotic work we find ourselves criticised and our appropriations questioned by the gentleman from Illinois and the Senator from Iowa, chairman of the Senate Committee on Appropriations.

To the late soldiers of the Union in my district and in the whole State of Missouri, to the late soldiers of the Union in the States of Illinois and Iowa, and to those of the whole country I submit the issue which the gentlemen in political desperation have precipitated, without the slightest apprehension as to the justifying verdict of an intelligent and discriminating constituency. Again I say the \$12,819,093.32 increase of appropriations for pensions is, to that amount, a part

of the \$96,000,000 for the giving of which our party is called upon to bear the burden of the gentlemen's denunciations or criticisms, and to suffer vicariously from their eloquent lips for maintaining the rights of our worthy pensioners. [Applause on the Democratic side.]

Mr. CANNON. Would it interrupt the gentleman from Missouri to place a statement of fact on file in that connection? I hold in my hand a statement of the appropriations for pensions for the four years of Cleveland's administration and the four years of Arthur's, and that statement shows that the appropriations for pensions were as much under Arthur as under Cleveland.

Mr. DOCKERY. That is not correct.

Mr. BURNES. If the gentleman asserts that, then I need only say that it involves a dispute between us in regard to figures which can be verified and settled in a moment. I have mine, and, after careful investigation of the record, I am perfectly certain they are accurate. The gentleman has his figures also, and no doubt believes them to be correct. It will be an easy matter for any one who has a doubt as to the correctness of my figures to make the examination for himself of the record of appropriations; but I regard it as almost impossible that my calculation can be incorrect, or that my friend's statement can be sustained.

Mr. CANNON. Let me state further, in exact justice to the gentleman and claiming it for myself, that under both the administrations every dollar has been appropriated for the payment of pensions the law called for promptly and in full, and I do not understand the gentleman from Missouri to criticise former administrations for the appropriations. But when he seeks to make me occupy the position of criticising the pension appropriations he is not worthy of himself.

Mr. BURNES. I will ask the gentleman (whose temper gets the better of him at times, while mine, thank God, I can restrain) to state if he did not say in his speech just made that the total of appropriations for the four years of Cleveland's administration exceeded the appropriations for the four years preceding by ninety-odd million dollars?

Mr. CANNON. I did.

Mr. BURNES. Then another question. Did you not further take into account in the making up of that sum \$12,819,000 for the increased pension-list?

Mr. CANNON. If such be the increase, I did. [Derisive laughter on the Democratic side.] And now—

Mr. BURNES. And now let us leave it there. I did not interrupt the gentleman in the whole course of his speech.

Mr. CANNON. If the gentleman wants to be so unfair as to leave it there, he has the power, of course.

Mr. BURNES. I do not wish to be unfair, and the gentleman knows it, but he has been a little ferocious in some of his remarks. [Laughter and applause on the Democratic side.]

Mr. CANNON. I accused you of increasing the salaries of your Democratic officials who were not soldiers. Answer that.

Mr. BURNES. Now, I am sorry that my friend from Illinois does not seem to like it. [Laughter.] But I will say, if he gets angry at this, he ought to be here

when the general deficiency bill comes in. [Renewed laughter.] But I cannot change the issue as suggested by my friend. If any salaries have been increased, I am quite sure my friend and his associates are primarily responsible for it.

The gentleman from Illinois alludes to President Cleveland in terms of great disrespect and with marked injustice; but, like all others who have observed and studied the President's official career only to interpose criticisms or objections, he is compelled to confine himself to the form of insinuation, or enter the field, as some others have done, of wordy billingsgate. That field is never congenial to the gentleman from Illinois, but I submit to him that is less harmful and no more offensive than the method of insinuation by which he has covertly made his attack.

As I now recall his language the gentleman refers to the President as being in harmony with and giving active support to the interests of certain citizens of the United States who center and congregate about Wall street, and have fixed incomes, large blocks of wealth, and are interested in having the purchasing power of their money appreciated. If the gentleman had been a disinterested and unprejudiced judge, he would have told us that the President was in harmony with and was ever giving active support to the interests and equal rights of all the people of the United States, without discrimination of class or locality; that his active support was equally the safeguard and dependence of the poor and the rich, of the humble "squatter" on the public land and the opulent merchant or banker in the great cities, and that in his official life strict and absolute impartiality has been the distinguishing rule of his action.

Has the gentleman banished from his mental vision the picture of this great, strong man lifting up from despondency and oppression the class of citizens to which Guilford Miller belongs, and making them secure in their homes as against wealthy, powerful, and influential oppressors? Has the gentleman so soon forgotten the reply of the President to the great cattle combinations, whose representatives, accompanied by men of the highest official station, appeared before him to protest against his order requiring them to release their grasp upon millions of acres of the public domain? Will the gentleman attempt to present a single instance in the career of Grover Cleveland wherein any official partiality has been shown in favor of one class of the people and against another? If in any of the offices he has held such a record has been made, the gentleman from Illinois would have known it long since. But there is no such record. No instance even tending to imply such a record can be produced, and the innuendo of the gentleman establishes nothing but his own partisan bitterness and injustice.

This mild attack on the President by the gentleman from Illinois we can afford to forgive, since a patient and long-suffering people four short years ago drove out of the temple of the Republic the despoilers, for corporation aggrandizement, of their public domain, the bond and money kings, the land barons, the cattle syndicates, and the troop of knightly adventurers whose habit was to claim everything and use everything, regardless of the rights and interests of the people. Before leaving this subject I would earnestly ask my friend from Illinois if he objects to "having the purchasing power of money appreciated?" His recent

opposition to a reduction of tariff duties and the consequent increase of the purchasing power of our money I was constrained to regard as the result of a mere desperate party necessity, but the serious manner in which he has arraigned the President for having appreciated the purchasing power of the money of the people demands a review of my estimate of his position.

The Treasury Department and its administration have been alluded to and to some extent criticised by the gentleman from Illinois. I will not enter a field reserved to other members of this House, nor attempt a defense of the Secretary of the Treasury, which, in fact, he does not need. But it is within the limit I have prescribed for myself to suggest that, whether or not the policy of the Secretary is the best that could have been devised, it has, nevertheless, been conscientiously taken and honestly pursued. That policy has been carried out safely without financial panic or convulsion during a period replete with peril and through an ordeal requiring the highest and best attributes of firmness, courage, and patriotism. The Secretary has been equal to every emergency, although hedged about with imperfect statutes, dangerous precedents, and questionable methods of former administrations. There is neither imputation nor suspicion of dishonor against his administration, a fact more than gratifying to the people, who doubtless remember with horror to this very day how our silver coin was demonetized by legislative assassination; how the 4 per cent. bonds were sold to a banking institution for a mere credit balance therein without interest; how bonds redeemable in currency were made payable in gold; how whisky-ring frauds rioted throughout the land, marking with infamy here and there certain dealers and distillers and smirching various departmental officials and others, and how political assessments were shamefully levied upon these violators of the internal-revenue laws, as well as upon every poor and dependent employé in Government service.

But here again let us draw the veil over stolen, extorted, and wasted millions, over records of confessed guilt, over fines and imprisonments imposed by judicial tribunals as the sequel to indictments and convictions by grand and petit juries, with the simple observation that the sovereign people of this Republic are not likely to commit the power of the Government into the hands of a political party that either would not or could not timely see and repress these heinous crimes.

Mr. Speaker, we have under consideration the sundry civil bill, and upon that bill the gentleman has made his speech. I desire to call the attention of this House, and likewise the attention of another house not far away—and I would not object if the country would take notice of it—that upon this important general appropriation bill the Republican Senate has annually forced additional appropriations over and above the amounts approved and passed, in the first instance, by the House, year by year, as follows:

In 1885, the Senate increased the House bill \$4,036,990.69. In 1886, it increased the House bill \$5,486,739.45. In 1887, it increased the House bill \$3,106,850.08. In 1888, it increased the House bill \$4,038,647.74, and in the House bill for the current year, now under consideration, it has increased the amount appropriated \$5,174,593.24; and yet the gentleman from Illinois, and the chairman of the Committee on Appropriations in another legislative body not

far removed from us have made speeches, after deliberate preparation, in which each has called the attention of the country to an alleged increase of appropriations during the past four years of Democratic administration of \$96,000,000, notwithstanding they both knew that the Republican Senate had passed amendments which committed that body to an increase for the four years of \$154,932,946.70 instead of \$96,000,000 !

In like manner both of the gentlemen indicated have included in their calculations of the \$96,000,000, and made part of it, the sum of \$12,819,093.32 increase for pensions. If they did not mean to object to this appropriation for pensions, they were, at least, willing to arraign the Democratic party and punish it for making such appropriations. I am glad to add, in amelioration of this partisan injustice by the two gentlemen, that they are not habitually unfair, and may be reasonably expected to review their figures and their inferences at an early day.

Mr. Speaker, I submit here a concise statement of certain figures to which I have made reference, and assure the House they are reliable.

The increase of appropriations by the direct action of the Senate for the four years from 1886 to 1889 over the amounts proposed by the House was as follows :

1886	\$4,426,147 69
1887	2,934,648 86
1888	3,934,419 58
1889	11,934,598 20
<hr/>	
Total	23,229,814 33

The following shows the increase proposed by the Senate on appropriations as they passed the House during the four years, 1886 to 1889 :

1886	\$10,801,807 16
1887	13,392,795 82
1888	35,046,210 61
1889	22,536,633 65
<hr/>	
Total	81,777,447 24

The amount stated for 1886 does not include the river and harbor bill as it passed the House and failed in the Senate for want of time to consider it.

It is insisted that the appropriations as made by the House of Representatives are sufficient for a wise and economical administration of the Government. As shown by the preceding statements, the Senate each year proposes large increases of the appropriations as passed by the House, and by persistency in conference always succeeds in fastening upon the House bills a great many amendments of more or less doubtful necessity.

The sundry civil bill, of which the chairman of the Senate committee has had personal control during the last six years, has been the favorite field upon which the Senate practices its fine art of increase, as will be demonstrated by the following statement :

INCREASE OF SUNDRY CIVIL BILLS BY THE SENATE OVER THE HOUSE DURING THE PAST SIX YEARS.

1889.....	\$5,174,593 24
1888.....	4,038,647 74
1887.....	3,106,850 08
1886.....	5,486,739 45
1885.....	4,036,990 69
1884.....	2,570,724 72
Total.....	<u>\$24,414,545 92</u>

Of the \$96,000,000 alleged increase of appropriation for the four years including 1889 over the previous four years, more than \$90,000,000 of it can be accounted for as follows:

Increase in appropriations during Cleveland's administration for pensions.....	\$12,819,093 32
Increase in appropriations during Cleveland's administration on account of the Navy.....	17,010,562 12
Increase in appropriations during Cleveland's administration on account of the postal service.....	45,490,485 14
Unusual appropriations during Cleveland's administration—Alabama claims awards and Choctaw Indian claim.....	8,627,813 90
Increases made by the Senate on appropriation bills at this session other than army, fortification, pension, navy, and post office, as shown by Senator ALLISON's statement.....	6,264,489 44
Total.....	<u>\$90,212,443 92</u>

During the last three years of Mr. Arthur's administration, the ordinary expenses of the Government aggregated \$769,761,316.98, or a per capita expenditure for the three years of \$13.85, or an average of \$4.61 per annum.

During the three fiscal years, including 1888, under Cleveland's administration, the total net ordinary expenses have been \$778,340,119.60, or a per capita expenditure for the three years of \$12.94, and an average per annum of \$4.31.

AMOUNTS OF INCREASE PROPOSED BY AND PASSED THROUGH THE SENATE ON APPROPRIATION BILLS IN EXCESS OF THE BILLS AS THEY PASSED THE HOUSE AT THIS SESSION.

Agricultural bill.....	\$119,200 00
Army bill.....	6,892,500 00
Diplomatic and consular bill.....	39,600 00
District of Columbia bill.....	855,628 65
Fortification bill.....	897,000 00
Legislative, executive, and judicial bill.....	203,865 47
Navy bill.....	190,217 78
Pension bill.....	1,476,000 00
Post office bill.....	1,549,393 00
River and harbor bill.....	2,523,000 64
Sundry civil bill.....	5,174,593 24
Deficiency bill, 1887 and prior years.....	64,594 11
Deficiency bill, 1888, urgent.....	724,588 29
Deficiency bill, customs and pensions.....	25,445 37
General deficiency bill.....	1,937,530 33
Total.....	<u>\$22,673,156 88</u>

The Indian bill alone as it passed the House was reduced by the Senate \$136,523.23, making the net increase proposed by the Senate on all of the bills, including those for deficiencies, \$22,536,633.65.

Against all these Senate amendments the House conferees earnestly and determinedly protested, but the other side yielded but little, and manifested a stubborn courage worthy of a better cause.

The House conferees were not on their part destitute of courage. You who so well know the firmness of my distinguished colleague [Mr. FORNEY] and the unyielding courage of the honored chairman of the committee [Mr. RANDALL] will not believe that the House conferees yielded or receded a moment too soon.

Mr. O'NEILL, of Pennsylvania. Right here let me state to the gentleman from Missouri what I am sure he will be glad to hear, as well as other gentlemen on that side of the House, that Mr. Randall, in a week from to-morrow, will be renominated by the Democratic convention, every shade of Democrat being for his nomination, irrespective of his vote upon the tariff bill. [Loud applause on the Democratic side.]

Mr. BURNES. And I ask my friend—

Mr. O'NEILL, of Missouri. Every intelligent voter in his district will vote for him.

Mr. O'NEILL, of Pennsylvania. I do not know whether there will be any Republican nominated; but the nomination of Mr. Randall will be largely due to his fearlessness in expressing his opinion upon all subjects.

Mr. BURNES. I had not entertained a doubt as to what the Democracy would do in support of Mr. Randall, and am surprised that my friend from Pennsylvania [Mr. O'NEILL] could imagine that the great Democratic party of this country would sacrifice so good a man and so good a Democrat simply because he was not quite in line on a single question, however important that one question might be. The era of good feeling is at hand, and for Cleveland and Thurman the Democracy are in line from the Atlantic to the Pacific and from the Lakes to the Gulf [applause on the Democratic side], and victory, victory is everywhere in the air. [Continued applause.]

Mr. O'NEILL, of Pennsylvania. I make this statement because it has been said that there would be some effort made to push him out of the Democratic party. But the people will take care of him. [Applause and cries of "He is all right" on the Democratic side.]

Mr. BURNES. The Democratic party does not push any man out of it; on the contrary, it calls upon all, as a true evangelist, to "come and go with us;" and the kind and fraternal invitation is being accepted by numerous thousands with great joy, who for the first time in their lives join in swelling, loud and long, the Democratic shouts of victory.

Mr. HENDERSON, of Iowa. I would like to know from my friend from Missouri whence are coming the sounds of victory of which he has spoken.

Mr. BURNES. Even Iowa, not loud but deep. Iowa, my good friend, is trembling in the balance for Cleveland. Look out for your "homes and your firesides."

Mr. HENDERSON, of Iowa. Does my distinguished friend trace the signs of victory from the late elections that have been held?

Mr. BURNES. The Democracy of Maine reduced your majority in that State 1,250 votes without assistance from any quarter outside the State.

Mr. HENDERSON, of Iowa. When you hear from Iowa you will have a peroration for your oration which will not gratify the Democracy.

Mr. BURNES. I know my friend believes it thoroughly, and it is sad to see so good a man under such an hallucination.

Mr. HENDERSON, of Iowa. I know it.

Mr. BURNES. Worse and worse, my poor, dear friend.

Mr. HENDERSON, of Iowa. I ask you about the breezes of victory that you speak of.

Mr. BURNES. When defeat settles upon the national standard of my friend and the disheartened remnant of his divided party in Iowa are in full retreat, I will carry with me to his hospitable home those victorious breezes with which, cooling his fevered brow, I will tenderly and fraternally nurse him back to a happy convalescence. [Loud applause on the Democratic side.]

Mr. HENDERSON, of Iowa. My friend from Missouri is an encyclopedia of information on every question, and I hold him always in the highest respect; but this is one time he is in error. I can say to him as one who was almost born in Iowa, and who has been pretty close to the hearts of her people, that I can instruct him that his miss is a great deal more than a mile; and now I rise again and ask him if he will not give me a suitable answer to the question I asked him as to where the breezes come from that have "victory in the air" for the Democratic party?

Mr. BURNES. Have you not heard from Maine?

Mr. HENDERSON, of Iowa. They did not come from Oregon, from Vermont, or from Maine. Where do they come from? Arkansas?

Mr. BURNES. Oregon voted before our forces were in the field or our horses were upon the track. But that Chinese vote in Oregon will always beat us until we restrain and prohibit their importation. They increase there faster than Democrats do.

Mr. HENDERSON, of Iowa. You had some other things than horses there. You had some fellows who carried purses in their hands.

Mr. BURNES. This is mere trifling, but you and I understand each other.

Mr. HENDERSON, of Iowa. Oh, we love each other; but I could not help referring to the "breezes."

Mr. BURNES. Mr. Speaker, I beg the pardon of the House for consuming so much time, and sincerely thank every member present for an indulgent and respectful hearing.

A carefully prepared but simply stated table will be appended to my remarks and printed. This table will show how and to what amounts the Senate has increased House bills of appropriation, and what amounts the Senate deliberately passed, by way of amendments, as increases on House bills.

From the Forty-fourth to the Fiftieth Congress, both inclusive, it will be observed

that above the amounts contained in the House bills as they were passed and sent to the Senate the latter body added the immense increase of \$180,448,311.67, and that the House, resisting augmentation from year to year, succeeded in reducing this increase to \$70,469,768.64, being a net decrease and saving by the House as against the Senate of \$109,978,543.03. This table also shows the political complexion of both House and Senate during each year, so that the proper distinction of party domination may appear in connection with the appropriations.

In these tables is exemplified the splendid record of Democratic economy now and for a period of fourteen years past, and they exhibit the undeniable record of Republican prodigality in appropriations. But at last, the tranquillity of the people is not disturbed by the amount of appropriations, but is secured by the honesty and integrity with which such appropriations are disbursed.

Session of Congress.	Year.	Increases proposed on appropriation bills by the Senate.	Excess of appropriation laws over amount passed by the House.
Forty-fourth Congress (Democratic House, Republican Senate).....	{ 1877	\$19,508,255 21	\$8,966,731 43
	{ 1878	19,832,631 09	10,198,370 75
Forty-fifth Congress (Democratic House, Republican Senate).....	{ 1879	14,164,529 47	9,513,093 83
	{ 1880*		
Forty-sixth Congress (Democratic House, Democratic Senate).....	{ 1881	4,832,412 21	2,564,509 30
	{ 1882†	7,731,977 25	5,820,112 92
Forty-seventh Congress (Republican House, Republican Senate).....	{ 1883	8,933,082 02	4,798,683 34
	{ 1884	4,238,333 36	2,604,165 49
Forty-eighth Congress (Democratic House, Republican Senate).....	{ 1885	20,139,643 82	2,754,287 25
	{ 1886	10,091,807 16	4,426,147 69
Forty-ninth Congress (Democratic House, Republican Senate).....	{ 1887	13,392,795 82	2,934,419 58
	{ 1888	35,046,210 61	3,934,419 58
Fiftieth Congress (Democratic House, Republican Senate).....	1889	22,536,633 65	11,934,598 20
Total.....		180,448,311 67	70,469,768 64

* No record for 1880.

† Does not include \$18,282,306.68 deficiency on account of pensions growing out of the passage of the arrears act, placed by the Senate on the pension bill for 1882.

The following statement exhibits, by titles of appropriation bills, the estimates submitted for the fiscal year 1889, the amount of the bills as reported to the House from the committees, the amounts as passed the House, the amounts as reported to the Senate from committees, the amounts as passed the Senate, and the amounts as they became laws, appropriations made by miscellaneous acts approved up to September 22, and the permanent annual appropriations, together with the appropriations for 1888.*

* This table was afterwards printed in the RECORD, but, being somewhat lengthy and fully dealt upon in what follows, it is not deemed essential to insert it here.

The thirteen regular appropriation bills as they passed the House, it will be seen, appropriated \$268,833,802.01. As passed by the Senate these bills appropriated \$288,618,277.56, being an increase proposed by the Senate of \$19,785,475.55.

The bills as they became laws appropriated \$277,263,051.74, the Senate having receded from \$8,429,249.73 of its proposed increases.

Compared with the regular appropriations made for 1888, which are also shown in the statement, there is an apparent increase in the appropriations for the ordinary current expenses of the Government for 1889 of \$33,402,172.39. This sum is more than accounted for on four bills, namely :

The fortification bill appropriates \$3,972,000. No bill for this object was passed during the last session of Congress for the fiscal year 1888.

The Indian bill includes \$2,858,708.62 to pay a judgment in favor of the Choctaw Indians. Otherwise the bill appropriates but a trifle more than it carried last session.

The post-office bill is increased \$5,165,583.50, \$1,000,000 of which sum is due to the passage at this session of the law limiting to eight hours a day the labor of letter-carriers. The balance of the increase is owing to the enlargement of the service incident to the growth of the country.

The river and harbor bill appropriates \$22,397,616.90. No bill for the improvement of the harbors and water-ways of the country became a law during the last session of Congress.

These sums aggregate \$34,393,999.11, and, when eliminated from the sum total of the thirteen regular bills, make the amount actually appropriated for the current and ordinary expenses of the Government during the fiscal year 1889 nearly \$1,000,000 less than was appropriated for the fiscal year 1888.

The aggregate amount appropriated by the five deficiency appropriation bills passed during the session, each of which is shown in the statement, is \$19,621,472.77. No deficiency bill was passed during the last session of Congress, and the first one enumerated in the statement as for 1887 and prior years, appropriating \$3,127,579.45, was passed to supply the general deficiency bill, which failed of passage during the last session of Congress.

Of the whole sum represented by these deficiency bills, namely, \$19,621,472.77, more than one-half is to provide for the payment of judgments of the Court of Claims; judgments for damages caused by the improvement of the Fox and Wisconsin rivers, allowed under a law passed in 1875, when both houses were Republican; for claims certified to be due to soldiers and sailors for back pay and bounty; for horses and equipments lost in the military service and for commutation of rations while confined in Confederate prisons; for refunding to the States expenses incurred in suppressing the rebellion and Indian hostilities; for the payment of claims of postmasters under a readjustment of their salaries provided for by an act of Congress passed in 1883, and to cover a deficiency of \$3,500,000 on account of pensions for 1888.

The items thus enumerated, together with many others of lesser magnitude, covered by these deficiency bills, grow out of obligations incurred by the Government many years ago, and therefore are not an element of the current and ordinary expenditures.

The amount stated for miscellaneous appropriations, \$9,091,715.40, covers sums of money appropriated by miscellaneous acts of Congress passed for the construction of public buildings and for other objects. Of this sum, \$2,650,000 is for the erection of a public building for the accommodation of the appraiser's stores in the city of New York, and \$1,018,000 is appropriated by an act of Congress passed for the purpose of securing from the Sioux Indians a portion of their large reservation, to be made a part of the public domain.

The amount stated for permanent annual appropriations, \$115,640,798.90, is the amount estimated by the Treasury to be expended during the year under certain indefinite and specific permanent appropriations, to meet the interest on the public debt, the requirements of the sinking-fund, the expenses of collecting the revenue from customs, and for other purposes.

DEBATES.

FIRST SESSION, FORTY-EIGHTH CONGRESS.

REMARKS ON DEFICIENCY TO PAY TOBACCO TAX REBATE.

JANUARY 24, 1884.

Mr. BURNES. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of considering the bill (H. R. 3948) making appropriations to supply deficiencies on account of the appropriations for the fiscal year ending June 30, 1884, in regard to rebate of tax on tobacco, and to provide for the expenses of the meeting of the Legislature of the Territory of New Mexico, and for other purposes; and I further move that all other bills be passed over for the purpose of reaching that appropriation bill.

The SPEAKER. The gentleman from Missouri moves that the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of considering the bill which he has indicated.

Mr. BURNES. I also moved that all other bills be passed over for the purpose of reaching that deficiency appropriation bill.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SPRINGER in the chair.

Mr. BURNES. I ask that the Clerk read the report of the committee.

The Clerk read as follows:

The Committee on Appropriations, in presenting the bill making appropriations to supply deficiencies on account of the appropriations for the fiscal year ending June 30, 1884, in regard to rebate of tax on tobacco, and to provide for the expenses of the meeting of the Legislature of the Territory of New Mexico, and for other purposes, submit the following report in explanation thereof:

The total amount recommended to be appropriated by the bill being \$3,771,965. Of this sum, \$3,750,000 is to pay audited claims for rebate of tax on tobacco, as provided by section 4 of the

act of March 3, 1883, entitled "An act to reduce internal revenue taxation, and for other purposes." The sum recommended being the amount that it is estimated by the Commissioner of Internal Revenue as necessary to pay these claims. * * *

Mr. BURNES. Mr. Chairman, it has not escaped the attention of members on this floor that the bill reported by the Committee on Appropriations is a substitute for several other bills which have been introduced from time to time during the present session to supply deficiencies caused by the failure of the last Congress to make appropriations for obligations payable during the fiscal year. This bill, following the fourth section of the act of March 3, 1883, provides that the reduction in the tax upon tobacco, cigars, cigarettes, and the like shall inure to the benefit of the holder of such commodities who, having paid the tax under the provisions of the internal-revenue laws, were placed in competition with those who, on the 1st day of May, had paid one-half of the tax. That was doubtless a wise provision of the law; but whether it was wise or not, it was an obligation created by the Government, and one that must be provided for as deficiencies are ordinarily provided for. The Committee on Appropriations have therefore unanimously, in accordance with the request of the Secretary of the Treasury and the Commissioner of Internal Revenue, reported this bill, and have instructed me to ask that the House will give it favorable consideration.

In so far as the appropriation for the payment of the Territorial Legislature of the Territory of New Mexico is concerned, and in further consideration of the question with regard to the rebate of the tax upon tobacco, cigars, snuff, &c., I now yield the floor to my esteemed colleague on the committee, Mr. CALKINS, of Indiana, who will explain the subject fully.

Mr. CALKINS addressed the House.

Mr. BURNES. I take great pleasure in yielding now to the distinguished gentleman from New York [Mr. HISCOCK], because I do not desire that in this debate anybody shall be censured or wronged. We all comprehend that there was no wrong intended and no wrong done. We simply state the fact that this Congress is providing for deficiencies created by the last; that is all.

Mr. HISCOCK then addressed the House.

Mr. BURNES resumed the floor.

Mr. BLOUNT. I desire to ask the gentleman in charge of this bill a question, if he will yield.

Mr. BURNES. I have no objection to yielding for a question.

Mr. BLOUNT. I presume it is a matter of regulation in the Department, but I want to ask the gentleman, for my own information and that of my constituents, as to the mode in which these claims will be paid after the appropriation shall be made. Will parties be paid by draft?

Mr. BURNES. The Secretary of the Treasury has made rules and regulations for the proving of these claims and the payment of the money. Various claims have been filed and approved or rejected. Where they have been approved they will be paid to the party entitled by draft upon the Treasury of the United States.

Mr. BLOUNT. When this appropriation shall have been made?

Mr. BURNES. Undoubtedly.

Mr. MILLS. But we ought to provide that the Secretary of the Treasury shall mail the draft directly to the claimant.

Mr. BURNES. I apprehend, Mr. Chairman, that we are all of one mind on this question; that there is no difference between us upon it. Whatever may have been the question in the Forty-seventh Congress, we find these obligations now due by the Government. The money is in the Treasury to pay them; the people to whom the money is due need it, and the people at large need to have the money in circulation rather than in the Treasury. This is an indebtedness which must be paid; and no doubt we are all in favor of paying it at once and being done with it. Under these circumstances and apprehending that the Committee of the Whole is now ready to rise, I move that the committee rise and report the bill to the House.

Mr. WHITE, of Kentucky. Before that is done I wish to ask a question. In reference to claims reported by the Quartermaster's Department to the Secretary of the Treasury, and by him submitted to the House, has it not been the custom to have a list of such claims printed and laid on our desks? I ask the gentleman whether any list of these rebate claims can be had by members.

Mr. BURNES. No such list by name has been furnished.

The CHAIRMAN. The gentleman from Missouri is entitled to the floor.

Mr. BURNES. Now, Mr. Chairman, there is no limit to my endurance, and I trust I may never find a limit to my courtesy and kindness. But I will say to the gentleman from Kentucky that in reference to this plain matter of business I do not wish to see the House wander off to collateral and disconnected questions. I hope, therefore, he will waive the further consideration of the questions to which he alludes. The Secretary of the Treasury and the Commissioner of Internal Revenue have furnished the Committee on Appropriations with a full and complete report of the number of these claims and the amount of all which have been approved and rejected. Every sort of information has been furnished to the committee which could be deemed of any sort of interest in this connection.

Mr. WHITE, of Kentucky. Allow me to say in regard to the ex-Commissioner of Internal Revenue—— [Cries of "Order!"]

The CHAIRMAN. The gentleman from Missouri is entitled to the floor.

Mr. WHITE, of Kentucky. I wish to ask the gentleman to yield to me for one moment.

Mr. BURNES. Certainly.

Mr. WHITE, of Kentucky. I wish to say that gentlemen should bear in mind the bill under which these rebate claims come in here was prepared under the recommendation of the Commissioner of Internal Revenue, who has since resigned to become a claim agent, and that the fact he was to resign for that purpose was published all over the country before he sent in his resignation to the President and before the President fell upon his neck and wept, and that another Commissioner of Internal Revenue has since been appointed to do that which the ex-Commissioner of Internal Revenue recommended should be done. These claims, therefore, come in here in a very suspicious manner, and I should like to see a printed list of them and their amounts laid upon the table. I thank the gentleman for his courtesy in yielding to me.

Mr. BURNES. It would afford me pleasure to hear the gentleman from Kentucky speak on the matter to which he has alluded, but it is not my duty at this time to go into that subject, and I trust the House therefore will pardon me if I refer it to other gentlemen and to a more appropriate occasion. I now move that the committee rise and report the bill to the House with the recommendation that it do pass.

The CHAIRMAN. The bill is now before the Committee of the Whole House under general debate. If the gentleman desires to close general debate he can ask unanimous consent for that purpose.

Mr. BURNES. I ask unanimous consent that general debate be closed on the pending bill.

Mr. WHITE, of Kentucky. I object.

Mr. BURNES. I move the committee rise for the purpose of going into the House to close general debate.

The motion was agreed to and the committee accordingly rose.

Mr. BURNES. I move that all general debate on the deficiency bill in the Committee of the Whole House on the state of the Union be closed in five minutes after its consideration shall be resumed.

Mr. WHITE, of Kentucky. Do I understand the gentleman to propose that general debate on the entire bill shall be limited to five minutes?

Mr. BURNES. I do.

Mr. SPRINGER. After that the debate will proceed under the five-minute rule.

Mr. BURNES's motion was agreed to.

Mr. BURNES. I move that the House resolve itself into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

The CHAIRMAN. The committee resumes the consideration of the deficiency bill, and, by order of the House, all general debate has been limited to five minutes.

Mr. BURNES. I now yield the floor to the gentleman from Georgia [Mr. BLOUNT]. * * *

Mr. HEWITT, of Alabama. I desire to move an amendment, to come in after the word "dollars," in line 10.

Mr. BURNES. I make a point of order on that amendment.

The CHAIRMAN. The gentleman will state it.

Mr. BURNES. It comes under the decision made by the Chair a moment ago.

Mr. HEWITT, of Alabama. Will the gentleman from Missouri [Mr. BURNES] withhold that point of order so that I may make a very brief statement?

Mr. BURNES. I have no objection.

The CHAIRMAN. That can be done by unanimous consent.

Mr. HEWITT, of Alabama. Of course reserving the right to make the point of order.

Mr. BURNES. I will do so.

Mr. HEWITT, of Alabama. The law as passed last Congress reducing internal

taxes and giving this rebate required that claims for the rebate should be presented within sixty days from the passage of the act.

Now, it seems to me that the claims of these men are just as meritorious as any others. All that my amendmet provides is that if persons having proper claims for rebate deposited those claims in the mails, addressed to the proper officer, within the sixty days, such parties shall be permitted to enjoy the benefit of this rebate. It seems to me the gentleman from Missouri ought to admit the amendment.

Mr. BURNES. It would afford me great pleasure, indeed, to accommodate the gentleman from Alabama; and he will allow me to say that the legislation proposed is not by any means such as I should feel inclined to oppose if it should come to this House from the Committee on Ways and Means. I trust he will present the cases of grievance of this sort to the House in another form. I must insist upon the point of order.

The CHAIRMAN. The Chair is of opinion that the amendment is subject to the point of order. * * *

On motion of Mr. BURNES the committee rose; and the bill was passed.

REMARKS ON MISSOURI JUDICIAL DISTRICTS.

MAY 17, 1884.

In reply to a statement from Mr. HATCH that a majority of the Missouri delegation were in favor of the pending bill (viz: a bill rearranging the judicial districts of the State of Missouri) and opposed to the adoption of a substitute, in the formation of which Mr. BURNES had been instrumental—

Mr. BURNES said: I have discovered in my brief experience that there is in every heart a deep-seated sentiment in favor of fair play. I know nothing about the status of the delegation from Missouri. I have been engaged on public business rather unsatisfactorily to my friends on my right, I fear.

Mr. REED. That is so.

Mr. BURNES. I have been engaged in attending to my duties here as a legislator, and I have had no time to ascertain either the status of the delegation from Missouri or the status of gentlemen from other States represented here.

Upon this occasion I desire to make a brief, plain, business statement with regard to the facts, which I apprehend will not be controverted. Then, with that trust and confidence that a fair-minded man can ever repose in fair-minded men, I shall leave the question for the consideration of the House.

The bill now before the House was introduced by my distinguished colleague [Mr. HATCH] immediately upon the assembling of this House. It was referred to the Committee on the Judiciary, and the Judiciary Committee unanimously reported it back to the House, and it took its place as No. 1 on the House Calendar. My distinguished colleague and friend, Colonel BRODHEAD, made the report accompanying the bill, and it has been printed.

That distinguished jurist, that accomplished and courteous gentleman, that honorable and honored citizen of Missouri, representing here one of the districts of that State, in his printed report to the House states that it is better for the courts to go to the people than to compel the people to go the courts. Hence he reported a bill providing for four courts, in addition to the three now in existence. Therefore my friend from Saint Louis was proposing to establish four courts in addition to the three courts in the State of Missouri, and doing it upon the broad and correct principle that it was better and cheaper for the judges to go the people than for the people to travel great distances in order to go to the judges.

It was discovered that by a mistake the city of Saint Louis was not named in the bill. This was clearly an oversight, because no provision had been made assigning the city of Saint Louis to any district or any division of any districts. In consequence of this, and of some necessity for rearranging the counties, I prepared a bill and submitted it to every member of the Missouri delegation, I believe. I am quite certain that I submitted it to my friend, Colonel BRODHEAD, and my friend, Mr. ALEXANDER, and all the other gentlemen of the delegation, so far as

I remember. That bill was in part unsatisfactory. My friend, Mr. ALEXANDER, wanted some changes; he insisted that this county should come out and that county go in, and I suited his views. I prepared the bill, as I supposed, to suit him. I so understood the matter, and I have been surprised that after I prepared the bill to meet his views he is not satisfied with it.

Two or three weeks ago my friend from the second district came to me and stated his wish that one other county, Randolph, assigned to the court of my friend from Hannibal, should go to Saint Louis. I mentioned the matter to my friend from Hannibal [Mr. HATCH], and he promptly acceded to the request. So much with regard to the position of my friend from the second district.

I must come now to a gentleman who knows that I have more respect for him than I ought to have for a man—more devotion to him than I usually have for men. I know his character and I know his heart, but I have to state that, in my judgment, this distinguished brother has no right to make this motion, and I shall leave the House to say whether my esteemed friend is not in the wrong.

Now for the facts. After we had agreed upon the bill which is now in the hands of the distinguished member of the Judiciary Committee on my right [Mr. McCOID], ready to be reported by authority of the committee as a substitute for this bill, I took this substitute and laid it before my distinguished colleague. Objection after objection was made, some being objections of law, others of fact. My colleague and myself retired to the Library and consulted various authorities on the subject. We finally agreed, so that my good old friend told me: "Go on; my people are opposed to the bill, I guess; but I shall offer no further opposition." This was the personal declaration of a man at whose feet I am willing to sit and learn wisdom and honor.

That is not all. The understanding, as I learned from my friend from Hannibal, with regard to the business of this day specially set apart for the Judiciary Committee was that this bill should be the first called up. Subsequently I was informed by my colleague that it would be impossible to get it up first, but that it was the sixth on the list. I went immediately to my friend and appealed to him, in view of his promise to me, and he agreed that it should be the sixth upon the list. Only to-day I reminded him of his promise to me that he would offer no further opposition to the bill—

Mr. BROADHEAD. Sixth on what list?

Mr. BURNES. On the list that the committee has been following to-day.

Mr. BROADHEAD. So it is on the list for to-day.

Mr. BURNES. I understand that.

I reminded my friend of the situation two or three hours ago, and his answer to me was: "Yes, BURNES, I told you so; but I do not know what I can do; I am worried to death. I respect you highly, but my people down in Saint Louis are opposed to the bill."

I know that some of the people there are opposed to it; that he has learned this fact recently; but now I ask, in view of the obligations under which he has placed himself to me, while I have been reposing upon his assurances—in view of the fact that this is a proposition to give us only six courts in Missouri, when there are six

in Iowa, ten in Texas, two in little Rhode Island—whether the measure we now propose should not be adopted?

Bear in mind that the State of Missouri is divided almost in the center by the Missouri river, that great, turbulent, monster of a stream, and courts are located at three points upon the south side of the river—at Kansas City, on the western border of the State, at Jefferson City, and at Saint Louis. Now, my friend from Hannibal is in the extreme northeastern corner of the State—away from Jefferson City, away from Saint Louis. His people feel that they would like to transact their court business at Hannibal.

In the northwestern portion of the State, on the Missouri river, is a town, not a “little town;” my friend did not mean that, I know. He would not have said it on second thought, for he knows full well that there, hand to hand and shoulder to shoulder, stand Kansas City and Saint Joseph, not fifty miles apart, as he said, but seventy miles apart, struggling for supremacy, one with a court obtained only four years ago, the other asking a court, and having at this hour a population of 50,000, having a business and a wealth superior to any other town in Missouri or any town west of the Mississippi river, with the single exception of Saint Louis.

Now, I ask you, is it unreasonable that I should come here from that great Platte purchase—a portion of the State of Missouri, which the late Senator Benton said he had carved from the beautiful side of nature for the purpose of making it a part of the State of Missouri, that country purchased from the Indians after the State had been admitted into the Union, and now constituting my district—is it unreasonable I should ask that the people of this territory shall no longer be compelled to travel one hundred and fifty miles from the northwestern border of the State down to Kansas City for the purpose of transacting their business in the United States courts? Will you not require the judge who administers justice at Kansas City to come and hold court at Saint Joseph, seventy miles distant?

Mr. Speaker, I feel we are entitled to the passage of this bill. I feel when my friend from Iowa [Mr. McCORD] offers his substitute the House will say we are asking a court in only three places, whereas my venerable friend asked for courts in four places. We ask for increased expenditures for the convenience of the people; and I care not whether there is at my back one of my colleagues or thirteen of them, if it is right to do it. I appeal to my friends on this floor and to my foes (and God forbid I should have any of the latter) to stand here for what is right and for the people against the machinations of the lawyers who do not wish to loose business and boarding-house keepers who fear they may lose a market for their hash. [Laughter and applause.]

SPEECH ON CONSULAR AND DIPLOMATIC BILL.

MAY 14, 1884.

A REVIEW OF THE CONSULAR SERVICE OF THE UNITED STATES. A GATHERING SENTIMENT IN FAVOR OF THE ABOLISHMENT OF THE MAJORITY OF FOREIGN MISSIONS.

Mr. BURNES. I call up for consideration at this time the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes; and I ask unanimous consent that the first and formal reading of the bill be dispensed with.

There was no objection.

Mr. BURNES. I beg permission this morning, Mr. Chairman, to digress for a moment from the bill under consideration.

On the 17th day of January last I had the honor of introducing into the House of Representatives the following resolution:

Resolved, That the Committee on Ways and Means be, and is hereby, requested to report to the House a schedule containing, as near as may be practicable, all the items, articles, and commodities now subject to tariff duties which, in its judgment, are necessities or common comforts in the daily life and labor of the people of this country, to the end that all such items, articles, and commodities may be freed from all taxation or bounty not absolutely required to preserve the public credit of the United States.

The resolution was read and referred to the Committee on Ways and Means. Whatever consideration that committee may have given it, it is gratifying to know that the bill and schedules reported freed from all taxation or bounty several commodities now subject to duties which are necessities or common comforts in the daily life and labor of the people of this country, and that many hundreds of other items, articles, or commodities of like character were freed from taxation and bounty to the extent of one-fifth of the present tariff duties. If my constituents did not see in this bill all the reduction or relief they desired, they will at least accept the rejected work of the able and distinguished committee as a good beginning and an honest endeavor.

But it is not the tariff that we are called upon to consider to-day. We are out of that realm. We have passed beyond, while it slumbers. The music of war-tax reduction, horizontal or discriminating, has ceased. If not the taxes, the war-paint of the chieftains is off. The tomahawk and the scalping-knife lie buried side by side with the car-hook. The bright face of business in this House is unveiled and resplendent, and every one feels himself wiser and better and more fraternal and loving because of our late seeming differences upon a great political and economic question.

Mr. Chairman, I congratulate you that the consular and diplomatic appropriation bill now under consideration is devoid of politics. It involves only business

propositions relating to the diplomatic and consular service of the Government, similar in most respects to like propositions coming up for almost daily consideration and determination in every business organization and interest in this country. Once in each year the wholesale merchants deliberate and determine where they shall send their ministers and consuls, whom they will appoint, and at what salaries. The railroads, telegraphs, manufacturers, newspapers, and business men of every degree establish their legations and consulates and regulate the salaries to be paid.

Unfortunately, this House has no voice in the establishment of legations or consulates, nor in the appointment of ministers or consuls. The President, with the other branch of Congress in secret session, make and unmake ministers and consuls at pleasure. The House is never consulted. The Senate is supreme. When, as it sometimes happens, the President and the Senate are thoroughly in accord, no political brother, however battered or worn, is a consular or diplomatic impossibility. Every pretense of a government affords an excuse for an envoy extraordinary or secretary of legation, and (unless the court language is English) an interpreter. Favorites when appointed, large salaries are demanded; these are followed by large "contingent expenses." Every town or village offers an excuse for the appointment of a consul, with salary and extra allowances for clerk-hire, rent of office, and time "awaiting instructions."

When once in office we all know their personal and political friends cannot turn them out hungry upon the cold world, and will not so long as there is the semblance of propriety in any other course. Nor is it to be expected that there will be any equalization of salaries unless they are equalized by bringing up the salaries of the properly paid to those of the overpaid, rather than by reducing the salaries of the overpaid to a relative equality with the properly paid. There is but one way of correcting abuses in this service. The House, denied a voice in the appointment and qualification of consular and diplomatic officers, can only speak through its appropriation bill. Fortunately, when the fathers of the Constitution gave this exclusive power to the President and Senate they gave the House the power to appropriate money in accordance with its independent judgment. Your committee, after months of patient and laborious investigation and inquiry, have submitted their conscientious work for your action. It remains to be seen how far the majority will accept the advice and suggestions made in the bill or how much it will yield in advance to the dominating power over our consular and diplomatic service.

Diplomatic representatives are, first, envoys extraordinary and ministers plenipotentiary; second, ministers resident; third, ministers resident and consuls-general; fourth, *chargés d'affaires*. Under these four heads all our diplomatic servants proper are classified.

For sixty-five years after the establishment of this Government no representative of it at any foreign court received a greater salary than \$9,000 per annum. During this period, I need scarcely say, and for this salary many of the ablest statesmen and most accomplished diplomats that this great country has ever produced represented it at the courts of Europe. They did not go to write books for sale,

nor to seek rectorships in institutions of learning, nor to pander to the pride or "prejudices of the *personnel* of the governments to which they were accredited," but to represent the people of the Republic in plain republican simplicity, frankly and plainly demanding every right to which their country was entitled, and firmly and proudly protesting against every wrong attempted against it.

Now, we have no envoy extraordinary at a less salary than \$10,000, and four as high as \$17,500 per annum. When to these salaries you add the cost of secretaries, the "contingent expenses" allowed them, and, in some cases, interpreters and other attachments, you find that the average cost of the first-class missions is over \$25,000 per annum, with the second and third class increased proportionately.

In the consular service are, first, consuls-general, with salaries ranging from \$2,000 to \$6,000 per annum; second, consuls classified into seven classes, with salaries at \$6,000, \$5,000, \$4,000, \$3,500, \$3,000, \$2,500, \$2,000, \$1,500, and \$1,000; third, consuls and commercial agents who receive no salary, but are allowed to keep the fees collected by them under certain restrictions.

It is worthy of observation that a consul who receives a salary of \$1,000 is allowed to conduct and carry on any kind of business in which he may desire to engage, while he who receives a salary above that sum is prohibited from engaging in any kind of business. With these general observations I will proceed to state specifically the changes in salaries made by this bill.

Of the envoys extraordinary and ministers plenipotentiary in the service of the United States or authorized by any law every one is provided for, and the bill appropriates the full amounts estimated by the honorable Secretary of State, with the following exceptions: The salaries of the ministers at Vienna and Rome are fixed at \$10,000 each. This is a reduction of \$2,000 from the salaries appropriated for the current year.

The salaries of the ministers to Chili and Peru are not reduced, but these representatives are accredited, respectively, as chargé d'affaires to Bolivia and Ecuador.

The salary of the minister to the United States of Colombia is increased beyond the current law to \$10,000, in a proper effort to equalize the salaries of the several missions in the South and Central American states.

Of all our ministers resident not a salary is touched, changed, or reduced. To four of them and no more the function, powers, and duties of a consul-general are added. Two missions of this class have been abandoned, namely, Bolivia and Roumania, Greece and Servia. The salary of the chargé d'affaires to Paraguay and Uruguay is appropriated without reduction or change.

Of the salaries of secretaries of legation, no change is made, except in Austria, Japan, China, Spain, and the Central American States. The first is reduced from \$1,800 to \$1,500, the second from \$2,500 to \$1,800, and the third from \$3,000 to \$1,800. Spain is increased from \$1,200 to \$1,800, and the Central American States from \$1,000 to \$1,500.

In addition to the above, the bill appropriates for four new secretaries of legation, at \$1,500 each, giving one to each of the following legations: In Chili, Italy, Peru, and United States of Colombia.

Second secretaries of legation are provided for at London, Paris, and Berlin, at \$1,800 each, a reduction of \$200 from each, while second secretaries for China and Japan are added at a salary of \$1,800 each.

Interpreters to legations in Japan, China, and Turkey are allowed, at a salary for each of \$2,500. This simply reduces China and Turkey to the same rate provided by current law for Japan.

In the consulates-general only the following changes have been made: Melbourne, from \$4,500

to \$4,000; Montreal, \$4,000 to \$3,000; Saint Petersburg, \$3,000 to \$2,000; Constantinople, \$3,500 to \$2,000; Rome, \$3,500 to \$2,000; Vienna, \$3,500 to \$3,000; Halifax, \$3,000 to \$2,000.

The following new consulates-general have been appropriated for: Panama, Bucharest; the former at \$4,000 and the latter at \$3,000.

The consulates-general at Cairo and Madrid have been abandoned or dropped.

In this bill the following consulates have been dropped: Honolulu, Apia, Brussels, Coaticook, Port Louis, Tangier, Mahé, Copenhagen, Malta, Gaspé Basin, Sabanilla, Stettin, Mozambique; commercial agencies at St. Paul de Loando, Levuka, Gaboon, and San Juan del Norte.

The following reductions have been made in the appropriations for consulates: At Foochow, reduced from \$3,500 to \$3,000; Hankow, \$3,500 to \$3,000; Tien-Tsin, \$3,500 to \$3,000; Chin-Kiang, \$3,500 to \$3,000; Ningpo, \$3,500 to \$3,000; Callao, \$3,500 to \$2,500; Santiago de Cuba, \$2,500 to \$2,000; Cork, \$2,000 to \$1,500; Odessa, \$2,000 to \$1,500; Tamatave, \$2,000 to \$1,500; Beirut, \$2,000 to \$1,500; Hamilton, \$2,000 to \$1,500; Bristol, \$1,500 to \$1,000; Gibraltar, \$1,500 to \$1,000; St. Helena, \$1,500 to \$1,000; Port Stanley, \$1,500 to \$1,000; Clifton, \$1,500 to \$1,000; Pictou, \$1,500 to \$1,000; Guderich, \$1,500 to \$1,000; Southampton, \$1,500 to \$1,000; Ceylon, \$1,500 to \$1,000; Antigua, \$1,500 to \$1,000; St. Stephen's, \$1,500 to \$1,000; Nice, \$1,500 to \$1,000; Barcelona, \$1,500 to \$1,000; Fayal, \$1,500 to \$1,000; Funchal, \$1,500 to \$1,000; Jerusalem, \$1,500 to \$1,000.

The salaries for the following consulates have been increased and new consulates authorized, with salaries as follows: Hong Kong, increased from \$4,000 to \$5,000. New consulates: Athens, \$2,500; Sagua La Grande, \$2,000; La Paz, \$2,000; Cairo, \$2,000; Paso del Norte, \$1,500; Tegucigalpa, \$1,500; Santiago de Guatemala, \$1,500; San José, \$1,500; Managua, \$1,500; San Salvador, \$1,500; Asuncion, \$1,500; Ghent, \$1,000.

Having now presented to the committee a plain and reliable statement of every change made in the salaries of envoys, ministers, and consuls, I suppose it will be deemed more appropriate to withhold the discussion of the remaining specific items of appropriation until the bill is read by sections. For a like reason it will not be expected or desired that I should give now the reasons that influenced the committee to make the changes I have just enumerated.

Declaring the entire absence of all political or partisan prejudices and of every element of desire for mere party advantage, the committee have a right to expect that the honorable gentlemen who support the estimates as they came from the Department of State will meet them on plain business propositions with the practical fairness of business men intent on justice as well to the people who supply our revenues as to the officials who expend them.

It no doubt occurred to the fathers of the Constitution that the time might come when the President and the Senate would be in political accord, and unable by reason of fraternal obligations to dislodge from sinecure positions unnecessary or cumulative officials or employés. Hence the power given to the House in the regulation of the salaries of such officials. If the President find himself unable or if he be unwilling to remove from the service an unfaithful minister or consul, or if the State Department, by favoritism to one and injustice to another, demoralize the foreign service, the House will and ought to interpose its prerogatives, and by withdrawing the salaries compel the discharge of worthless or incompetent men.

In general, I am authorized to say that if the Committee on Appropriations have sought to be economical, as was their bounden duty, they have avoided parsimony. If they have frowned upon the negligent and unfaithful public servant, they have encouraged the efficient and rewarded the honest. Where they have decreased expenses or reduced salaries they found good reason for their action. Where they have increased salaries or allowance for expenses they anticipate no criticism or objection on the part of the Department.

Many of the most experienced and able statesmen of the House have expressed opinions in favor of the abolition of our entire system of diplomatic representation at foreign courts, and if we are to accept as true the statements of the honorable Secretary of State in regard to the duties of a minister, then the sooner it is done the better.

In his letter to the President, transmitted by the latter immediately after this bill was reported to the House, the Secretary says:

But there can be no frankness or confidence without acquaintance, and acquaintance is only to be gained by association with those who control the public business; these the minister must seek in that rank of life in which they move. Having earned the trust and respect of those with whom he must officially associate, he is prepared to fulfill his duty to his Government by studying the sensibilities, the prejudices, the form of government, and the *personnel* of the administration of the country in which he officially resides.

Is it possible that there can be no frankness with a stranger? Must we conceal the truth from our neighbor until we get acquainted with him and have studied his sensibilities and prejudices? But, giving the observation a national application, must this great Republic withhold frankness and confidence from any other government until some minister has earned the trust and respect of those who administer it and studied "the sensibilities and prejudices of the *personnel* of the administration?" No reliance is placed in the power, the greatness, or the glory of our country or its flag; no reliance in frankness or plain speech; none in the absolute justice of our demands, and we should make no others. The reliance is upon the minister, upon his ability to study aright "the sensibilities and prejudices of the *personnel* of the administration." Through the senses and the prejudices of men in authority, our minister, by subtle artfulness in association, is expected to secure the rights of the great Republic of the earth!

So when great public rights are at stake, when the lives and the property of our citizens are in peril abroad, as was the case in England last winter, our minister must not throw into the scale the power or renown of the American name, nor the simple power of frankness, justice, and truth, but he must depend upon his powers of personal blandishment and his understanding of the tastes and prejudices of the *personnel* of the government to which he is accredited. No wonder now that our national demands have been laughed at and despised! No wonder that the lives of American citizens and soldiers have been hurriedly and contemptuously sacrificed by foreign powers in defiance of our respectful but feeble protests. The minister had not ministered successfully to the sensibilities nor aptly studied "the prejudices of the *personnel* of the government." The poor victims of foreign hate and tyranny in their last dread moment of trial and death fondly supposed that the flag of the Union had been powerless to save them, when in fact its influence had not been invoked nor its power interposed.

In another place the Secretary, in his letter to the President, says:

Diplomatic and consular representatives are sent abroad primarily for the advantage of the United States, although the element of courtesy and international friendship should not be overlooked. This being so, a wise policy would seem to dictate, unless some question of principle is involved, a regard to the sensibilities, traditions, or prejudices of the people among whom they are to live and whose good will it is important to secure. This is one argument against the union of the two functions of diplomatic and consular officers, as such an arrangement is looked upon with disfavor by many governments, and by some is regarded, whether properly or not, as evincing a lack of esteem.

Again:

The two offices are incompatible. They are as different as the two professions of law and medicine.

Here we have the suggestion of the State Department that this House must have regard to the sensibilities, the traditions, and prejudices of the people among whom the minister lives. Before, only the minister was to minister to the senses, passions, and prejudices of the *personnel* of the government, but here we are advised that we, the representatives of the people, should shape our legislation "with regard to the traditions, sensibilities, and prejudices of the people among whom our ministers live." The tastes and prejudices of the petty provinces of Europe, Asia, and Africa must have legislative as well as diplomatic recognition! The diplomatic and consular function must not be lodged in the same person, because of the high-born prejudices of an effete or crumbling dynasty. The tradesmen engaged in commercial pursuits, the consul, companion of our business men, must not be allowed by our law to lay under the sensitive nose of a petty prince a message from the State Department of this great Government.

The suggestion is an insult and an outrage. It would have us say to foreign governments: We recognize in our legislation and respect your prejudices against men who labor in any commercial or business pursuit. We will not send into your delicate presence a minister who is tainted by a consular obligation to his Government, but will establish caste in our diplomatic service against the very genius of our republican institutions.

But there is another answer to the present position of the Secretary against the union of the diplomatic and consular function in the same person. It ought to be conclusive. The joining of the two functions under the title of minister resident and consul-general has been sanctioned by long-established precedents and followed by every Republican administration since 1860.

But that is not all. Secretary Frelinghuysen himself, in his annual report of estimates made to this Congress for us, recommended the union of the diplomatic and consular functions in the same person. With only four exceptions, he recommended every one of the ministers resident and consuls-general named in the bill. Let me call your attention to Executive Document No. 5, Forty-eighth Congress, page 207. This is the recommendation of the State Department upon which the bill is based. See now, while I read, the difference between the official recommendation of the Secretary at the beginning of this session of Congress and his latter-day utterances to the President after he had read the bill of the committee: "Minister resident and consul-general to Bolivia. Ministers resident and consuls-general to Liberia, Switzerland, Denmark, Portugal, Siam, Persia, Hayti." But this is not all: "Ministers resident and consuls-general to Roumania, Servia, and Greece."

Here I leave the honorable Secretary on this important proposition. He is in antagonism to himself. It is his speech, hurriedly hurled into this House through the President, *versus* his official recommendations in pursuance of law. He has united the two professions of law and medicine in the same person. He has practiced both on this House.

It was suggested to the committee by gentlemen eminent in statesmanship and diplomacy, and whose opinions were fortified by extensive foreign travel and observation, that the great majority of our foreign missions ought to be abolished entirely. Austria and Italy were especially named as countries with which it was worse than useless to maintain other than consular relations. We have no possible interests there needing diplomatic attention. No claims are pending needing argument or the personal efforts of a minister to reach the senses or "study the prejudices of the *personnel* of the government." In the event of revolution or dismemberment we seek no territorial aggrandizement, no harbor of refuge or expansion, no entangling alliance with any departing or coming government.

Although our export trade with each country is decreasing, and so many good reasons exist for abandoning diplomatic representation at Vienna and Rome, the committee have continued the appropriations for the service. Complaint has been made that \$10,000 per annum is not enough for the payment of the envoys to these two courts. It is the same salary paid to a justice of the Supreme Court of the United States. It is \$2,000 more than the salary of the Secretary of State or any other Cabinet officer. But it will be urged that these ministers have to entertain guests and give expensive dinners. Are judges of the Supreme Court and members of the Cabinet exempt from the pleasures and expenses of hospitality? It is claimed that ministers have to extend expensive courtesies to Americans traveling in Austria and Italy. Why? Is not courtesy voluntary and reciprocal? And why should the many at home be taxed for the social pleasures of the few traveling abroad? After all, do not \$10,000 make a very respectable salary? It is double the pay of each Senator and member of Congress, and is accompanied by the allowance of several thousand dollars more for contingent expenses and the like.

Sir, I am well aware of the disadvantage under which any member labors who attempts to curtail the unreasonable expenditures of a Department that can interpose against every reform the social influence of productive courtesy, the personal influences of personal friends, and the courtly blandishments of a pampered life; but justice and duty to our confiding constituencies require that, at whatever personal sacrifices, we should make an honest effort to reform abuses in the public service and keep appropriations and expenses within the bounds of democratic simplicity.

[Here the hammer fell.]

Mr. CANNON addressed the House. * * *

Mr. BURNES. I beg to say, if the gentleman from Illinois will permit me, that the appropriation of last year was \$50,000 and the expenditures \$30,000. In consequence of \$30,000 only being spent last year the committee reduced it to \$40,000, giving \$10,000 more than the expenditures of last year, and believe that to be sufficient.

Mr. CANNON. I understand that to be the case, and that the Committee on Appropriations—and I am a member of the committee—is a powerful committee and remarkably smart and shrewd. I have no doubt that it can come about as near predicting the number of storms we are to have next year as the great Wig-

gins. [Laughter.] Now, if this appropriation is not necessary it need not be expended; but do not cut it down, as it may be needed. * * *

Mr. BURNES. Mr. speaker, I am satisfied, from informal conversation with gentlemen representing the other side, that it is better now to have some understanding with regard to the continuation of this general debate. I therefore move that the committee now rise, in order that the House may agree upon some limitation in that regard.

Mr. ROBINSON, of New York. I have the floor already.

Mr. BURNES. Your rights shall be preserved in the arrangement.

The motion of Mr. BURNES was agreed to.

The committee accordingly rose, and the speaker having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 6770), had come to no resolution thereon.

Mr. BURNES. I move that the House again resolve itself into Committee of the Whole for the further consideration of the diplomatic and consular appropriation bill, and pending that motion I move that general debate upon the bill, excepting half an hour for the gentleman from New York [Mr. ROBINSON]—

Mr. ROBINSON, of New York. I have an hour.

Mr. BURNES. I understood it was half an hour.

Mr. ROBINSON, of New York. An hour.

A MEMBER. Thirty-two minutes.

Mr. BURNES. I move that, excepting thirty-two minutes for the gentleman from New York, general debate be limited to one hour.

Mr. ROBINSON, of New York. Some time ago the gentleman from Ohio [Mr. FOLLETT] was kind enough to yield me thirty minutes. As my name came next after the gentleman from Indiana, I declined to take that time, preferring to await my turn. My turn has now come. If the gentleman from Missouri had not moved to limit debate, I would have been entitled to the floor for an hour. I do not think it fair now, when others have spoken, that I should be limited. I want my time and my own time. I intended to return the thirty minutes to the gentleman from Ohio, and postponed my remarks until I could take the floor in my own right.

The SPEAKER. The gentleman from Missouri moves, as the Chair understands, that general debate in Committee of the Whole upon the pending appropriation bill be limited to one hour and thirty-two minutes.

Mr. RANDALL. That is enough.

Mr. BELFORD. I want to give notice that unless we can have two hours more for general debate I will demand a quorum.

The question being taken on the motion of Mr. BURNES to limit debate, there were—ayes 52, noes 50.

Mr. BELFORD. I make the point that no quorum has voted.

Tellers were ordered, and Mr. BURNES and Mr. BELFORD were appointed.

Mr. BELFORD. I make a proposition that two hours be allowed for further discussion on this bill. [Cries of "Regular order!"]

The SPEAKER. The tellers will take their places.

The House proceeded to divide, but before the count by tellers was concluded—

Mr. BURNES said: No further count is demanded. I modify my motion so as to limit debate to one hour and forty-two minutes.

Mr. BELFORD. I accept that.

Mr. BURNES' motion was finally agreed to, and the House resolved itself into the Committee of the Whole on the state of the Union.

Mr. BURNES. I wish to state before the gentleman from New York proceeds that the understanding is that the gentleman from New York is to occupy thirty-two minutes, the gentleman from Colorado [Mr. BELFORD] shall have ten minutes, and the remaining hour shall be equally divided between the friends and opponents of the bill.

Mr. ROBINSON, of New York. Can I have no more than that?

The CHAIRMAN. By order of the House the gentleman is limited to thirty-two minutes.

Mr. ROBINSON, of New York, addressed the committee, followed by Mr. KASSON and Mr. REED. * * *

Mr. REED. Can the gentleman from Missouri give me any more time? I should like to have one minute.

Mr. BURNES. Take two.

Mr. REED. Of course, this House must see it is utterly impossible for me to more than begin on this subject. But I do want to close up what I have to say by referring to just one little item which to me characterizes this bill more thoroughly than anything I can say. Anybody who knows the representation of the United States abroad, or even any one who does not know it, has only to take the salaries which the foreign governments pay to the ministers here, and he can see how far short we are in liberal expenditure of the public money. Why, sir, I remember meeting the chief justice of Queensland, a little territory of 300,000 inhabitants, and I found he had \$2,500 a year more than the Chief Justice of 56,000,000 of people.

Here is one item in this bill:

For the purpose of enabling the President to provide at the public expense all such stationery, flags, and signs as he shall think necessary for the several legations.

And that is in a bill that absolutely cuts off all rent for offices. In other words, the careful economy of the gentleman from Missouri provides a sign for the legation, and does not leave any place to stick it. [Laughter and applause.]

The CHAIRMAN. The gentleman from Missouri [Mr. BURNES] has eight minutes of his time remaining.

Mr. BURNES. The gentleman from Maine [Mr. REED], who has just taken his seat, does not understand this bill; he has not read the bill, or he would not have made the statement with which he concluded his remarks. He will find in this bill every expenditure authorized by existing law is appropriated for.

Before proceeding to call attention to another point I must first notice a remark made by the gentleman from New York [Mr. POTTER]. I regretted to hear it, for

the simple reason that I have great admiration for his profound ability; but it is not given to any one man to know every subject or to be capable of impressing his views on every question fairly and intelligently. The gentleman from New York in criticising this bill exhibited himself in a position clearly demonstrating that he had never read it, and that he did not understand a single provision of it. His criticism was that consuls were reduced from \$2,500 to \$1,800. He can not find that provision in the bill. It does not exist. The gentleman has not read the bill. He dealt in glittering generalities, as if there were great reductions in the bill. I say here to all these gentlemen there is no reduction, so far as the ministers are concerned, except in two particular cases, which I have mentioned.

Why all this talk? Why all this general argument? Why did gentlemen not come down to specific items? I will tell you what is the reason. The reason is that they dare not come down to specific items. The gentleman from Illinois, my colleague, for whose honor and fairness I have unlimited respect, and in whom I have all confidence, called your attention to the consulate at Apia. Did he know that the consul at Apia took \$1,138 for contingent expenses, when the whole receipts of his office were less than \$100? Did he know that the attention of the Department of State had been called to that expenditure, and that an explanation was in order, and that no explanation has been made to this hour?

Mr. HITT. Will the gentleman from Missouri permit me——

Mr. BURNES. Certainly.

Mr. HITT. The \$1,100 about which the gentleman speaks was the salary during the time that officer was waiting for instructions and the long period occupied in going half-way round the world to reach his post.

Mr. BURNES. The statute law of this country expressly provides that pay for thirty days while waiting instructions shall be allowed. I say this pay for thirty days is allowed for waiting instructions.

Mr. HERR. That is not it; the sum spoken of covers trip and all.

Mr. BURNES. The trip is a different arrangement. I say this appears in the report of the Secretary of State as payment while awaiting instructions. What may have been communicated to my esteemed friend from Illinois [Mr. HITT] I have nothing to do with. That is a matter between him and others.

This is the first information I have had upon the subject, although the subcommittee called the attention of the Department to it, and received then, and have received since until this moment, no answer. It is in the record of the Department of State that \$1,138 was paid to him while awaiting instructions. But let that go.

I come now to my good friend from Iowa [Mr. KASSON], and when I come to him you will appreciate the delicacy of my position, and I know you will give me your sympathy. It is something to prepare a bill like this against the personal wishes and judgment of such an esteemed and generous gentleman as the gentleman from Iowa. It is something to differ from him, one of the most accomplished diplomats of the country; I may say it is painful.

Yet when he talks about tearing up things, I ask him where in this bill we have torn up anything? There is nothing torn up, nothing changed in the ministerial department, except in reference to two ministers, one to Austria and the other to

Italy. Those are changes; there are none others. It is true the triple-headed mission to Greece, Roumania, and Servia is abolished; but there is no change of salaries in the case of envoys extraordinary, ministers plenipotentiary, ministers resident, or consuls-general.

Mr. KASSON. What I referred to was the reduction made in the very small salaries of secretaries of legation and the imposition of new duties on our ministers to Chili and Peru, involving largely increased expenditures on their part.

Mr. BURNES. The minister to Chili is not complaining, and I have no doubt that if we allow him his traveling expenses when he goes off across the country to some other of the small republics of South America he will make no sort of objection.

Now, the gentleman, who is very fair, more than fair, and more than liberal—I may say who is just upon all occasions—was scarcely himself in his argument here to-day. What did he tell us? He took up one-half his time in illustrating the mode and manner in which that republican patriot, Benjamin Franklin, represented this country abroad. I ask him if that is fair? We were then entering upon an experiment, upon a venture in establishing this Republic with three or four millions of people. We were arraying ourselves against almost the combined world, so far as our principles of Government were concerned, and Benjamin Franklin, loving his country, could not assert that republican dignity and manhood which we all hold so dear now. It was necessary for him to move gently and cautiously. If necessary he had to feel his way, perhaps to beg his way, in diplomatic affairs.

But now the people of the country insist that we shall make our demands upon foreign governments for what is right, asking nothing more and taking nothing less, making our demands in respectful terms, yielding to nothing short of the granting of our just and fair requests. So much for Mr. Franklin.

I come now to another item which has been greatly derided, the item in regard to contingent expenses. Let me call attention to the fact that the express statute law of the United States provides that postage shall be furnished to unsalaried consuls. Mark the language: "Postage shall be furnished to unsalaried consuls." There is a maxim of law which I learned, *suggestio unius exclusio alterius*. Here is a declaration of the statute that unsalaried consuls shall have postage furnished them.

In another section the statute provides that the expenses to be allowed by the President of the United States shall be such as have been enumerated in this bill and no more. Would the House have the Committee on Appropriations do violence to the statute law of the country? Is it desired that we shall go in the face of the statute law and appropriate for items of expenditure prohibited by the law of the land?

The CHAIRMAN. The time allowed by the House for general debate on this bill has expired. The Committee of the Whole will now proceed to the consideration of the bill by paragraphs under the five-minute rule.

The first paragraph was read and adopted. The Clerk read the second paragraph.

Mr. BURNES. As the second paragraph of the bill, which has now been read, is

likely to provoke some discussion, I will, in fulfillment of promises made to several gentlemen, move that the committee now rise.

The motion was agreed to, and the committee accordingly rose.

DEBATE CONTINUED MAY 15, 1884.

Mr. BURNES. I move that the House now resolve itself into Committee of the Whole on the state of the Union for the further consideration of the consular and diplomatic appropriation bill.

The motion was agreed to.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of further considering the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government, &c.

Mr. HITT. I move to amend the pending paragraph by inserting after the word "Italy," in line 16, the words "twelve thousand dollars each;" also, in line 22, by striking out "\$50,000" and inserting "\$54,000."

The paragraph as it now stands proposes to reduce the salaries of our ministers at Rome and Vienna from \$12,000 to \$10,000 per annum. My amendment proposes to retain them as they are at present. I know of no reason why the compensation which has heretofore been allowed to our representatives at those two capitals should now be reduced. They were years ago fixed after much inquiry and long experience. The cost of living in those capitals has increased of recent years instead of diminishing. The rent of a house suitable for a respectable residence of a minister representing our country there amounts to a very considerable part of his salary. * * *

Mr. BURNES. It is for this House to determine whether the minister at Austria and the minister at Italy shall receive a greater salary than each one of the nine illustrious gentlemen who preside in the Supreme Court of the United States; whether they shall receive a greater salary than the chief of the State Department, in the city of Washington, our present distinguished Secretary of State; whether they shall receive a greater salary than the Secretary of War, the son of our illustrious Lincoln; whether they shall receive a greater salary than our ministers to the neighboring South American republics that are bound up with us in destiny upon this continent; whether the salaries of our ministers in the South American and Central American states shall be \$10,000 a year, upon the recommendation of the Secretary of State, and whether the ministers we send to the effete and crumbling dynasties of Europe shall receive a greater salary, where we have no great commercial interests. That is a question for this House to decide.

I ask this House further to decide whether it is any more expensive living at Vienna than at Constantinople. Yet the honorable Secretary of State recommends a salary of \$7,500 for the minister at Constantinople. I also ask this House to determine the question why it is we pay, on the recommendation of the Secretary of State, a salary of but \$5,000 each to our ministers at Switzerland, Denmark, Portugal, Persia, Siam, and Corea. I ask, if \$5,000 is sufficient to send a minister to Persia or Siam and \$7,500 is sufficient for the minister at Constantinople, why is not \$10,000 sufficient for our ministers to the courts of Vienna and Rome?

I submit the question (which it is for the House to determine) upon what principle, for what reason, will you lift the representatives of this Government in these two grades, so far as salaries are concerned, above all the representatives I have named and above all the officials of this Government to whom I have alluded. I now demand a vote.

Mr. KASSON. Before the vote is taken I move *pro forma* to strike out the last word, in order to answer my friend from Missouri [Mr. BURNES], who demands the reason for the action we propose. How can he demand a special reason in view of the inequalities to which he himself has referred in the bill? From the beginning there have been inequalities in the appropriations for our representatives at different capitals. The four northern capitals have one rate, the middle grade another, and the third grade another, and these grades were established on careful consideration in this House before the Republican administration came into existence; they were established independently of party, only the honor of the country and the national interests being consulted.

Mr. DORSHEIMER and Mr. HISCOCK addressed the Committee. The *pro forma* amendment was withdrawn.

Mr. BURNES. Mr. Chairman, I have no doubt it would be entertaining to this House to listen still further to the reminiscences of the gentleman from New York [Mr. DORSHEIMER] with regard to his experience in foreign travel and association. But in view of the fact that a practical question has been suggested by the ever intelligent and distinguished Representative from New York [Mr. HISCOCK], I desire to say that there is no special reason for the reduction of these salaries now that did not exist in the former Congress.

I simply say that in this matter there are two contending forces. One is pulling up certain missions and the other pulling them down so as to reach something like an equality. As we give our South American ministers \$10,000, so we want to equalize and harmonize these positions as far as possible. If these other missions cannot be reduced to \$10,000 we have at least reduced these two to that amount and are tending toward equalization and uniformity in the service.

I beg pardon for saying so much. I now move that the committee rise for the purpose of limiting debate upon this portion of the bill.

Mr. KASSON. My friend will allow me to suggest that perhaps time would be economized by allowing one or two gentlemen to speak.—

Mr. BURNES. We will arrange that matter.

Mr. KASSON. I observe that the chairman of the Committee on Foreign Affairs [Mr. CURTIN] rose a moment ago, when I did, and I was about to give way to him.

Mr. BURNES. I will arrange that by conference with gentlemen who wish to speak.

The CHAIRMAN. The motion is that the committee now rise in order that the House may limit debate upon the pending paragraph.

Mr. RANDALL. Perhaps we might save time by unanimously agreeing to some limitation.

The CHAIRMAN. The Chair waited to see whether such a proposition would be made, but heard none.

Mr. BURNES. I ask that fifteen minutes on each side be agreed to by unanimous consent.

Several MEMBERS. All right.

The CHAIRMAN. The gentleman from Missouri suggests that by unanimous consent fifteen minutes be allowed for debate on each side. Is there objection? The Chair hears none, and that arrangement will be made. The gentleman from Missouri will control the time on one side, and the gentleman from Illinois [Mr. CANNON] the time on the other. * * *

The paragraph was finally adopted without amendment, and the Clerk resumed the reading of the bill.

Mr. HITT moved to amend by inserting the following after the third paragraph :

“ for minister resident and consul-general to Roumania, Servia, and Greece, \$6,500.”

Mr. BURNES, [in reply to a statement from Mr. HITT]. I have simply to say to the committee that if we wish to negotiate with Greece we should negotiate in London, Paris, and St. Petersburg. Those three governments are in absolute control of the government of Greece. They established it; they prop and sustain it, each of them contributing £4,000 for the support of this petty power.

One word more. The anomaly is now presented of a minister serving at three courts—in Greece, in Roumania, and in Servia. The statement of this proposition is, I trust, sufficient. But blended with the ministerial duties is the consular function at these three places; and I ask you is it appropriate, is it in accordance with anything that we have ever read or heard from the State Department or from anywhere else with regard to our foreign service, that a man should undertake to represent us at three courts, at the same time performing consular functions at three cities? We propose to abolish the ministerial service because our ministers in the three great countries I have named can, if we should desire any negotiation in regard to the government of Greece, negotiate with the parties of the first part.

So far as the consular service is concerned, it is provided for. And I say to my distinguished friend from Illinois [Mr. HITT] that he had better beware of coal-oil. Our party has had some apprehension that this article might be of damage to the party; and, sir, it may be damaging to his party if the country knows that he would maintain a minister in Greece to represent fifty thousand dollars' worth of coal-oil.

We propose to put consuls there to represent these commercial interests. This bill places a consul at Athens and a consul in Roumania. Having said this, I need say no more, except to refer you to a gentleman who will give you more information than I can.

Before passing from this subject, however, let me say that the debt of Greece is \$142,000,000, upon which the annual interest is \$4,400,000. The area of the country is 25,000 square miles, 41 per cent. of which is productive and 59 per cent. non-productive. The population is less than 2,000,000.

Now, Mr. Chairman, this arrangement of placing these commercial representatives of this country to look after whatever trade we may have there has been made with the approval of the distinguished diplomat and statesman who on this floor

represents in part the State of Pennsylvania. I allude to the distinguished chairman of the Committee on Foreign Affairs [Mr. CURTIN]. I trust he will give us the benefit of his views.

Mr. CURTIN briefly addressed the Committee.

The amendment of Mr. HITT was rejected.

The Clerk resumed the reading of the bill.

Mr. HITT offered the following amendment:

"For salaries of the secretaries of legations in Japan and China, \$2,500 each; Spain, Brazil, and Mexico, at \$1,800 each; in all, \$10,400."

Mr. HITT. Mr. Chairman, the effect of that amendment would be to pay the secretaries of legations in Japan and in China \$2,500 a year, whereas by this bill provision is made that they shall receive only \$1,800 per annum. At present the secretary of legation in China acts also as interpreter, and his entire compensation is \$5,000. The secretary of legation in Japan now receives \$2,500, and application has repeatedly been made from that legation on behalf of that officer that his compensation might be made more adequate for the necessary expenses involved in living in that costly country.

Mr. HISCOCK. I desire again to call the attention of the gentleman from Missouri to the fact that by reference to the law for the year of 1882 I find the secretaries of legation at Japan and China received \$2,500 a year. Have our relations decreased? Has the business of those countries fallen off, or has the price of living diminished there to such an extent as to warrant this reduction? This precedent was established by a Democratic House and by a very economical Committee on Appropriations, and is upon our statute-books, and I would like to have the gentleman from Missouri assign to us the reasons for this change.

Mr. BURNES. I will give the gentleman from New York the only reason the committee had for this arrangement, and it is one that they deemed ample to warrant them in recommending it. We pay our secretaries of legation \$1,800 a year, or 15 per cent. of the salary of the minister. This is the universal rule. I do not know whether it costs more to live as secretary of legation in China than in Austria, Spain, or any of those countries where we pay \$1,800 a year. It is for the sake of uniformity and from the belief that a secretary in China should be placed upon no higher or lower basis than the secretary of legation to a second-class court at the same salary.

Mr. HISCOCK. But let me ask the gentleman whether, in the case of these secretaries of legation, it is not absolutely necessary that they should be persons of education or persons who understand the language of the country? If to a certain extent a scholar, really to a very high degree, is not required, and especially one having some knowledge of the language of the country? I ask him if he is prepared to advise this committee and the country if proper men to discharge these duties, duties of a delicate character no doubt and difficult, can be secured for \$1,800 a year?

Mr. BURNES. Mr. Chairman, I answer the gentleman by saying that he cannot

find in China or Japan a single secretary of legation who understands the Chinese or Japanese language.

Mr. HISCOCK. I understand one of them does.

Mr. BURNES. In consequence of which we provide both for secretaries of legation and for interpreters and maintain at each court a secretary of legation and an interpreter. So far as secretaries of legation are concerned, this bill proposes to place them on the same footing as all other secretaries of like class, and then gives them an interpreter besides, at a reasonable salary. I think that is sufficient. But certainly I have no feeling in the matter and know nothing more about it than any other gentleman on this floor.

Mr. HISCOCK. I would ask the gentleman from Missouri if he has reason for believing, in view of the salary having been fixed at \$2,500 a year by the committee of which Mr. Atkins was chairman two years ago, that proper men can be obtained for the reduced salary.

Mr. BURNES. It is difficult for me to say. My information is that these salaries are sufficient, and I will say I have consulted a gentleman who has lived for years in China and who has been through Japan and Siam.

Mr. HISCOCK. May I ask the gentleman to communicate to the committee, that it may be informed on this subject, such information as he may have?

Mr. BURNES. I have the information that it is exceedingly difficult to get American interpreters. There is no difficulty about getting secretaries of legation. You can get them in as great plenty as you want; but the difficulty is to get interpreters. Secretaries are abundant. When you come to interpreters that is where you have the trouble.

Mr. HITT. Has the gentleman from Missouri not remarked the fact that for years past consuls of just the same grade are paid \$3,500 in China and \$2,000 in Europe, and will he permit me to add that I know of consuls who have been transferred from a post at \$2,000 in Europe to a post at \$3,500 in China who sent back complaints that they could not live at all as they had been accustomed to do, could not support their families there, and implored the Government to put them back?

Mr. BURNES. I will answer the gentleman.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. KASSON. I move to strike out the last word, and yield my time to the gentleman from Missouri, that he may give us this information.

Mr. BURNES. So far as the rates paid to consuls are concerned, we pay by our present law as much to the consul-general in Montreal as we do to a consul-general or a consul in China. This is one of the beauties of our consular system.

Mr. HITT. Is the gentleman not aware that the consul-general at Montreal is the supervising officer of one-third of all the consulates in our consular system?

Mr. BURNES. And is the gentleman from Illinois not aware that the consuls are receiving not only the salaries this Congress appropriates, but a large amount of official fees by the authority of the Department, without any report being made to Congress?

Mr. HITT. I do not understand that to be the fact. If I am permitted I would answer the inquiry more fully.

Mr. BURNES. I hope the committee will indulge the gentleman.

Mr. HITT. The gentleman asked me if all the consuls were not in receipt of official fees——

Mr. BURNES. I did not say "all."

Mr. HITT. I know whole countries where they do not receive one dollar of unofficial fees, and as to the official fees, it is expressly provided in the statute and in the regulations when and where they shall go to consuls; and that is a matter of public knowledge.

Mr. BURNES. I ask the gentleman again if the Secretary has informed this House of the extra amount of official fees which this House supposes always goes into the Treasury; if the Secretary has informed the House of the amount of official fees paid to consuls.

Mr. HITT. The Secretary has made a report, which is published, and which states the amount of official fees reported from every consulate in the world.

Mr. BURNES. Will my friend please turn to it? If it is there I have been unable to find it.

Mr. HITT. It is here. In the Register of the Department of State, opposite the name of every consul, appears the report of the official fees sent from that consulate during the year.

Mr. BURNES. But does the report show the amount of those official fees given to the consul?

Mr. HITT. That appears by reading the regulation which stands printed in full at the head of the list of consuls, and which determines the rule in each particular case as to the application of the fees; and the compensation is given there also. Where a consul receives a large salary he receives no fees, but is required to account for every item. Where he receives a small salary there are certain regulations given there which clearly show the proportion he receives.

Mr. BURNES. I ask the gentleman the question again. Take the consulate at Hong-Kong, where the consul is now receiving \$4,000 per annum, which salary is by this bill increased to \$5,000 in recognition of the admirable work he has performed there. I ask the gentleman if he does not know that in addition to that salary the consul receives \$1,500 of fees besides?

Mr. REED. Does that consul employ any clerk whom he pays out of those fees?

Mr. BURNES. This is a matter particularly within the knowledge of the State Department.

Mr. HISCOCK. Is it not possible that the gentleman has made this mistake? Where consuls are located at different places they may have a chance to do business on their own account. They may act as commissioners to take testimony for private parties, to look after the execution of papers between private parties by whom they are known, and in that way they may accumulate something. Has not the gentleman mixed that up with official fees? Is not that the trouble with the gentleman?

Mr. HITT. The gentleman has spoken of the efficiency of our consul at Hong-Kong. The report before me shows that General Mosby, our consul at Hong-Kong, made no report of his official fees, and therefore I cannot answer what disposition

was made by the Department to defray the contingent and other expenses of that consulate without examining the records at the State Department. But that consul did not himself receive one cent of the official fees.

Mr. BURNES. I assure my friend from Illinois [Mr. HITT] that he is in error, and it devolves upon me to defend that officer of our Government. The report of the consul at Hong-Kong is complete and perfect. In answer to my esteemed friend from New York [Mr. HISCOCK] I will say that the report of the Secretary of State shows that the salary of the consul at Hong-Kong is \$4,000, and that in addition he receives unofficial fees amounting to about \$1,500.

Mr. HISCOCK. Unofficial fees.

Mr. BURNES. Now I ask the gentleman to tell me what amount of official fees the consul receives.

Mr. HISCOCK. None, I guess.

Mr. HITT. What page is that?

Mr. BURNES. It is page 79. I assert as a fact, without knowing the extent to which it goes, because I find it in no report from the State Department, that there are consuls who, in addition to their salaries, receive a portion of the official fees they earn.

Mr. HITT. I will answer the gentleman, who is now speaking of official fees. As to unofficial fees, the State Department say, as appears by the document referred to by the gentleman, that our consul at Hong-Kong, in addition to his salary, receives unofficial fees—that is, certain moneys paid him by individuals who employ him to render legal services, which services have nothing to do with the Government, with commerce, or with public affairs, and that those fees amount, perhaps, to \$1,500. Those are unofficial fees, payment for personal services rendered by the consul to Americans or any other persons who choose to ask him to perform services for them.

For example, if my friend from Missouri were passing through there, was unacquainted with any person, should be taken ill, wished to have his will drawn up, and could not, owing to the state of his health, use his own ample legal learning for that purpose, he might ask the consul to devote two or three days of his time to perform that private work for him, and then he would doubtless pay him something for it. The consuls receive such unofficial fees for service rendered to individuals who choose to ask them to perform it. Such fees doubtless are received by consuls in many places. The consul at Hong-Kong, that being a place frequented by many Americans, doubtless has opportunities to make a considerable sum in that way, and he says that he has so received \$1,500. But in a majority of consulates there are no unofficial fees.

Mr. BURNES. In how large a minority?

Mr. HITT. In all large cities which are frequented by Americans who require to have deeds acknowledged, powers of attorney drawn up, wills made, and similar personal services, there are small fees paid to the consul, which in some cases amount to a considerable sum. * * *

Mr. KASSON. This allowance [referring to travelling expenses, &c.] is not 15 per cent. According to the statute as it has existed, the salary of this officer at

Vienna has been, I believe, something more than \$2,100. The gentleman is mistaken in his theory of percentage as to secretaries of legation.

Mr. BURNES. Will the gentleman allow me to read the provision of the Revised Statute?

Mr. KASSON. Certainly.

Mr. BURNES (reading):

And unless when otherwise provided by law, ministers resident and commissioners shall be entitled to compensation at the rate of 75 per cent., *chargé d'affaires* at the rate of 50 per cent., and secretaries of legation at the rate of 15 per cent. of the amount allowed to ambassadors, envoys extraordinary, and ministers plenipotentiary to the said countries, respectively.

Mr. KASSON. That provision applies when no other provision is made by law. But provision has been made in accordance with the character of the places where these secretaries live. The trouble is that the committee has departed from the law by disregarding the exceptions which the law says ought to be made.

Now, I know and my friend from Missouri knows that the rate of compensation proposed in the bill is not adequate in view of the expenses of traveling to those countries and living there. Our clerks here in Washington, our employés about this House, are paid a higher rate than these men who are subjected to these extraordinary expenses. I am not going to make any motion at all unless my friend from Missouri agrees to it. * * *

Mr. BURNES. The committee will see in what painful circumstances I am placed. Nothing would afford me more pleasure than to yield to the almost irresistible request of my friend from Iowa. I, too, realize that the salaries of these secretaries of legation are low. If I had the power I would raise them all.

Mr. KASSON. I think you have; I think the House will readily agree to it.

Mr. BURNES. I am not speaking of that. I am speaking of uniformity. So long as we have a statute that regulates the salaries of the secretaries of legation, and so long as we appropriate, as a rule, \$1,800 at the second-class missions, I do not see any reason why we should appropriate any more at a second-class mission in China or Japan.

Mr. KASSON. I am ready to accept the provision of the statute as to these places. I do not ask a single dime additional. I ask the gentleman to allow the bill to conform to the statute.

Mr. BURNES. Let me say that the law provides \$3,000 for the secretary of legation in China and \$2,500 for the secretary of legation in Japan. Now, will anybody tell me the reason that justifies the fixing of one of these salaries at \$3,000 and the other at \$2,500?

Mr. KASSON. I answer—

Mr. BURNES. The gentleman will excuse me a moment. Why should we pay more for this service in China than for the service in Japan? Why should we pay as much for the service in Constantinople as in China and Japan? Why should we not reduce these salaries to the level of the other secretaries of legation?

Mr. KASSON. It raises the old question, Mr. Chairman, of whether the gentleman who is charged with the entire investigation of the subject ought to change

the system. Here, for example, in Constantinople, our secretary of legation is consul-general. The duties of that office are added to his functions as secretary of legation.

Mr. BURNES. I do not like to interrupt the gentleman.

Mr. KASSON. I take pleasure in being interrupted.

Mr. BURNES. I trust the gentleman knows, for I have overwhelming facts to show the truth of the statement, that the duties of this consul-general have no more to do with those of secretary of legation than any other two incongruous matters possibly can have.

Mr. KASSON. I can only say I am quite sure my friend is mistaken on that subject. There are distinct duties as consul-general and distinct duties as secretary of legation, distinct sets of books and distinct work in the two different capacities.

But to return to the subject. China is more expensive and more dangerous to the health of an American than Japan. Japan is a cheaper place and easier of access. All these questions have been gone over by Committees on Foreign Affairs heretofore. We are met with propositions attempting to change without full consideration what has been done after full consideration. But I do not wish to cut off my friend from Missouri. I do wish to ask gentlemen of the committee if it is right to take these men because they are in your power and treat them as victims by putting them down to a salary where they cannot live decently. I say it is not in any gentlemanly breast that any such thing should be done toward those who are absolutely within your power.

Mr. BURNES. What would you like to have?

Mr. KASSON. Where you say \$1,800, I would say \$2,000, and where you say \$1,800 you ought to say \$2,400.

Mr. HITT's amendment was rejected.

The reading of the bill was continued.

Mr. LYMAN moved the following amendment:

For salaries of the second secretaries to the legations at London, Paris, and Berlin, at \$2,000 each, \$6,000.

Mr. LYMAN. Mr. Chairman, I have just received from Berlin a letter from a friend of mine in whom I have great confidence, in which occurs the following passage:

I hear on good authority that the House Committee on Appropriations talk of cutting down the present \$2,000 pay of three second secretaries of legation at London, Paris, and Berlin to \$1,800. Now, really, this is too pitiful a piece of cheese-paring. What is \$600 to the American nation in proportion to the work these fellows do? Now, I have had nearly seven years' experience of the matter—have during that time known all three of these second secretaries and their duties, and can certify that these places are no sinecures. They in fact do more of the work than the ministers do, and the least agreeable part of it. The smallness of the pay prevents any married man without means taking the place, and they have not the advantage of occasional *chargé d'affaires's* pay as the first secretaries have.

Mr. CURTIN. I would like to ask the gentleman from Missouri a question.

Mr. BURNES. Certainly.

Mr. CURTIN. Have you sufficient information before you to show that a second secretary of legation is necessary at Berlin? I do not know how it may be at London, but at Berlin it seems unnecessary.

Mr. BURNES. I am perfectly certain in my own mind that we ought to have abolished all three of these secretaries. But it was only in deference to the opinions and wishes of gentlemen who took a different view of the matter that they were allowed to remain.

But the letter from my friend of Massachusetts only, in my judgment, advances an additional reason why they ought to be abolished. Whoever sent that dispatch or letter states this absolutely, that this second secretary of legation does more work than the minister. It is for that very reason that the secretaryship ought to be abolished altogether.

The minister ought to do his own work, and if he did it with the assistance of one able secretary of legation he would get along much better with his work; but, having two, he leaves the work largely to them, and I venture to assert that if you gave him a dozen that he would do twelve times less of his own work than he now does. They ought to be abolished. For uniformity sake, however, we reduce them to the same standard of salary that we pay to secretaries of legations at second-class missions. Either take them at the salary fixed, or else let us abolish the whole thing.

The amendment was not agreed to.

Mr. BURNES. We have reached a provision in this bill, or a question growing out of a provision in the estimates, to which I desire specially to call the attention of the committee. It is not \$10,000, it is not \$20,000, but it is a principle that is deeper and broader and wider than money. This provision, Mr. Chairman, is in the nature, to some extent, of what was called the salary-grab. It is for constructive service. It is an encouragement for the minister to abandon his duty to the secretary of legation. It is a premium to the minister for entering into contests for positions in the country where he lives. It is a premium to him to write books. It is a premium to him to become a candidate for a literary position in a foreign country. It is a premium to him to abandon his duties and go off into other countries on pleasure trips, abandoning the important interests of his country where he is appointed its representative.

Mr. LONG. Does he not lose his salary in the meantime?

Mr. BURNES. He does not lose his salary in the meantime. If you could show me an instance in which the minister ever failed to draw his full salary I would see some reason for this appropriation; but you find the minister yields his place; the secretary of legation asks him to yield the place. My friend from Illinois [Mr. CANNON] knows full well that there is a great desire on the part of the secretary of legation to get the minister to go abroad, to travel over the continent if he is in England. Why? So that he may have an increased salary for doing the work of the minister. Now, in answer to my other distinguished friend from Illinois—

Mr. CANNON. Will the gentleman allow me a question just there? How can that be so when this whole appropriation is only \$20,000?

Mr. BURNES. I answer the gentleman: Here is an appropriation asked for of \$20,000 for the purpose of making increased payments to gentlemen for doing the work of the ministers. That is what this is for. You appropriate \$20,000 for the express purpose of paying gentlemen for doing the work of other people. Is not that so?

Mr. CANNON. Who is doing the work of the minister at Berlin when there is no minister there but this twenty-six-hundred-dollar employé?

Mr. BURNES. Is there anybody drawing the salary of the minister at Berlin? Is not the salary there sufficient to pay for the services rendered without any further appropriation?

Mr. CANNON. That cannot be used under this bill. Under this bill not one dollar of the salary of the minister at Berlin can be used by the secretary of legation or anybody else while there is a vacancy.

Mr. BURNES. That depends altogether on the action of the President.

Mr. REED. Not at all.

Mr. BURNES. The President can give him an appointment that will enable him to draw the salary of the minister or anything else he chooses.

Mr. REED. What appointment can he give him?

Mr. BURNES. Any appointment within his gift.

Mr. REED. What appointment can he give him? I should like the gentleman to answer that question.

Mr. BURNES. He can give him the office of minister if it is vacant.

Mr. REED. But suppose the President does not consider he ought to be appointed minister; but in the meantime, while he is selecting a minister, it is necessary somebody should perform the functions. You cannot be appointing ministers and removing them every other day.

Mr. BURNES. I do not know as to that. If they were removed every other day we might get an improved service.

Mr. REED. Is that the gentleman's idea of conducting the public service?

Mr. BURNES. It may be so.

Mr. REED. It is certainly a very interesting idea.

Mr. ADAMS, of Illinois. I desire to ask the gentleman from Missouri a question. Might not a contingency arise in which the dignity of this nation might require the technical office of minister to remain vacant for a time?

Mr. BURNES. In that case, in an instant, by telegraph, the President can order him to the position.

Mr. ADAMS, of Illinois. And should there not during that time be a secretary of legation there?

Mr. BURNES. There is a secretary of legation there.

Mr. ADAMS, of Illinois. And should he not be paid?

Mr. BURNES. There comes up the question again. We hire a gentleman as a secretary of legation and give him a salary for performing the duty of that office. Because he occasionally is called upon to perform some higher duties, or because he is nominally the representative of this Government at that court, doing no more work, perhaps, than before——

Mr. REED. Perhaps.

Mr. BURNES. Because he is technically called to the performance of more honorable and higher duties he should not therefore be paid an increased salary. We hire all his time, and this proposition is to pay him for constructive services. I protest against any such payment for any such thing.

The amendment was not agreed to.

The Clerk read the next paragraph.

Mr. REED. I desire to make a point of order on that paragraph.

The CHAIRMAN. The gentleman will state it.

Mr. REED. The point of order I make is that the paragraph just read proposes to repeal existing law and is not germane to this bill. It does not change any amount of money carried by this bill, and therefore does not come under the head of retrenchment.

The CHAIRMAN. Does the gentleman from Missouri [Mr. BURNES] desire to be heard?

Mr. BURNES. Although inexperienced in parliamentary law, I desire to call the attention of the Chair to two propositions. By the foregoing provisions in this bill we have reduced salaries, and having reduced certain salaries we have to that extent changed these statutes fixing those salaries. Therefore we desire to repeal those provisions of the statutes. I may say further that the present provision of this bill is but a copy of a provision in the appropriation act of the last Congress.

Mr. REED. By referring to the third clause of Rule XXI the Chair will see the sole ground on which the Committee on Appropriations can assume jurisdiction to report new legislation in appropriations bills. We have not in any previous part of this bill changed any existing law. The gentleman from Missouri is entirely mistaken in saying that we have changed any general law. We have simply declined to make the appropriations which the general law requires. Now it is proposed to make this bill the general law upon the subject; and this, it seems to me, we have no right to do, except in accordance with the rules of this House.

The CHAIRMAN. The provision of the rule to which the gentleman from Maine [Mr. REED] refers is, as the Chair understands, the following: [Reading the same.] It seems to the Chair that the point of order is well taken.

The remaining clauses of the first section were adopted without material opposition, and the Clerk read the first paragraph of schedule B of the bill.]

Mr. HITT moved the following amendment:

For salary of the agent and consul-general at Cairo, \$5,000.

Mr. BURNES. I have noticed that in all the papers that have come to this House from the State Department—and I confess I have noticed something of the same spirit in the argument of the gentlemen on the other side—I have noticed that in the advocacy of missions or legations the argument is used that we have delicate commercial interests to be subserved. Now that we have passed from the ministerial portion of the bill, I find that the argument comes that we have delicate diplomatic functions at Cairo and at places where we should suppose commercial interests had only to be considered.

I wish to call the attention of the committee to the most startling and wasteful expenditure of money that has ever been made by any State Department that I can find any record of since the beginning of this Government. I propose to call the attention of this committee to an outrage and a shame.

As to this consulate at Cairo, it should be stated, Mr. Chairman, to the committee that Egypt and Cairo are subject to the Ottoman Empire; that the Ottoman Empire in turn is dominated by England, as we all know. Therefore, if we have any diplomatic labors to perform as to that country, in God's name let us perform them either at Constantinople or London. What diplomatic relations can we have with the inhabitants of Cairo? Have they a government there that amounts to anything, a government that can act upon any international question? None whatever. Then we need no diplomacy there. Let our minister at Constantinople attend to our business in Egypt, because that country is subject to the domination of the Ottoman Empire.

But, sir, a consulate has been maintained at Cairo; and to give character to the consul or consul-general it is said that he is a diplomatic agent, whatever that is. What have we done in the way of supporting that diplomatic agent? First, he has had a salary of \$5,000 a year; next, we have allowed him for clerk hire \$1,200 a year; then for contingent expenses, G. P. Pomeroy, consul-general, \$254.87; contingent expenses, Comanos, vice-consul-general, \$129.52; other contingent expenses, \$2,505.48; lost by exchanging money in sending his returns home, \$161.11; compensation while waiting instructions, \$1,657.62; expenses of interpreters, guards, &c., \$500; loss by exchange, \$4.52.

The business of this consulate for three-quarters of the year—because this diplomatic agent was not able in the press of business to report for the last quarter of the year ending June last—the business for three-quarters of the year was \$202.50, while the expenditures were \$11,413.12. I ought to say that recently, since it was seen that these matters were to be seriously and soberly looked into, a report has come for the remaining quarter of the year, and it swells the receipts from the diplomatic agent and consul-general at Cairo to the amount of \$359.50.

I find from the report of the Fifth Auditor that that consul-general has afforded no relief whatever to seamen, has collected no wages for seamen. In short, I defy the gentleman to show that he has done anything except to spend this vast amount of money and to protect a few distinguished travelers from America, and perhaps extend hospitalities to Arabs down there on the banks of the Nile. This is the consul-general, the diplomatic agent of this great Government, who is to be maintained at a place dominated by two other countries, and which is of no more diplomatic importance than the far-off islands of the Arctic Ocean.

Mr. CANNON. I have listened to my friend from Missouri [Mr. BURNES], as I always do, with interest. I have also listened to my friend from Illinois [Mr. HITT], who has had great experience in connection with the foreign service of this Government, having been for some years at Paris, later Assistant Secretary of State, and still later a member of this House and a member of the Committee on Foreign Affairs. In my opinion he has had opportunities for a better practical as well as theoretical knowledge of our foreign affairs, not deriving that knowledge

merely from three months' time, more or less, spent in the preparation of an appropriation bill, but having passed a good part of his lifetime in our foreign service.

* * * * *

Now I do not want to say anything further about this matter. I do not think I have said anything that will affect this Committee of the Whole. I think this bill is to stand, perhaps from beginning to end, at least in these particulars, as it was reported by the Committee on Appropriations, after the investigation given to it by my friend from Missouri of three months, more or less; and I do not think that although an angel might come down with all knowledge of the past and of the present and of what is to be in the future, and should demonstrate the crying necessity for the law and the service to remain as it is in this and other respects, he would have as much effect upon this House as a man would have on the rock of Gibraltar if he stood there and tilted broom-straws against it.

Mr. LAIRD. I have heard the statements made by the two gentlemen from Illinois [Mr. HITT and Mr. CANNON], and I would like to ask the gentleman in charge of the bill [Mr. BURNES] what are the facts in regard to the duties of the consul-general at Cairo?

Mr. BURNES. In answer to the gentleman from Nebraska [Mr. LAIRD] I beg to say that we provide a consul for Cairo, and so far as I understand that consul can attend to all the duties that need to be attended to at that place.

I regret that the gentleman from Illinois [Mr. CANNON] failed to notice one of the most material points involved in this discussion. My other distinguished friend from Illinois [Mr. HITT], when he yesterday suggested a defense of the administration with regard to the proposed consul-general at Apia, said that the \$1,138 paid to him while awaiting instructions was paid to him for a different purpose; that the law allowed him a salary for traveling so many thousand miles, and that the \$1,138 was for traveling.

I call attention to this expenditure because an answer to the one case is an answer to both. Here, likewise, is an expenditure of \$1,657.62 while awaiting instructions. In answer to the gentleman from Illinois let me say that by turning to the statutes he will observe that the Secretary of State is authorized to allow a salary to the consul-general to Apia for seventy days while traveling and for thirty days while awaiting instructions, and nothing more.

I have not looked to see how many days it takes to travel to Cairo; I presume it does not take seventy. Now, if you will consider what this man is entitled to under the law and under the instructions of the Secretary of State you will see with what profligacy or carelessness the money of the Government is handled. Here is over \$1,600 paid to this man when there was no possible legal right to justify the payment of one-half or even one-third of that amount.

I have called upon the Department and upon friends of the Department to give me information, to answer these questions in a plain, business-like way. Business is business. If the Department has paid \$1,600 for nothing to a man not entitled to it, why should not the Department say so? Why should it not admit that it is careless in the management of business, and that it needs the strong arm of this Congress to hold it in the line of duty? I want these gentlemen to answer these

questions: Is it true, or is it not true, that seventy days are allowed to Apia? Is it true, or is it not true, that less than seventy days are allowed to Cairo? Is it true, or is it not true, that twice the money the law allows has been paid to each one of these consuls-general?

Now, will you maintain a consul-general who is thus stained with the taking of illegal fees, with the taking of illegal salary, with the squandering of the public money, who has done nothing, so far as we can see, but entertain Americans traveling abroad?

Mr. Chairman, I shall not grieve if this House sees proper to send this man back with this salary of \$5,000, aggregating with expenses, &c., \$11,413. I shall not complain of such action; but I ask members of this committee to prepare themselves to give some sensible reason to the honest, plodding, thoughtful business men of this country who expend their means fairly and honestly, who pay their debts, who pay nothing but what is right and proper, and who expect us to pay nothing but what is right and what is sanctioned by the law.

The question being taken on the amendment it was not agreed to.

Mr. RAY, of New Hampshire. I move at the end of line 146 to add Coaticook, Canada.

Mr. BROWNE, of Indiana. Will the gentleman from Missouri allow me to ask him whether this bill intends to abolish the consulate at Coaticook?

Mr. BURNES. Yes, sir.

Mr. CANNON. It is not provided for in the bill.

Mr. BROWNE, of Indiana. Mr. Chairman, from the information which I have, I think that there ought to be no consulate at Coaticook. The business is better done and very properly done by the consular office at Sherbrooke. The amount done now at Coaticook and during the last several years is insignificant. Sherbrooke is quite an important point. Its earnings have been largely in excess of the fees paid by the Government for conducting the consular business at that point. Sherbrooke is a profitable office. The other is largely unprofitable. There is but a short distance between them, and the business would scarcely warrant the keeping up of two offices. I am under the impression, from all the information I have received upon the subject, that no better can be done in this particular case than the consolidation of these two offices and allowing all to be done at the Sherbrooke office.

Mr. BURNES. Mr. Chairman, I feel compelled to say, in view of what has been stated by fair-minded, intelligent gentlemen on this side of the House—gentlemen like my friend from Indiana [Mr. BROWNE]—that had they examined the bill as carefully as I have examined it there would have been far less difference of opinion between us with reference to the recommendations which the committee have seen proper to make. In view of what the gentleman from Indiana has already said, it is almost unnecessary to speak upon this amendment to show that this consulate at Coaticook ought to be dropped.

The earnings, Mr. Chairman, at that office are shown to be but little; the business is very small; while at Sherbrooke, where there is a feed consul, the business is more profitable and properly done.

I ought to call attention to the fact, however, that our consul at Coaticook is deserving, perhaps, of a better fate at the hands of my Republican friends in this House, because of all the gentlemen who have made speeches upon the tariff question I think his consular report is the most thorough, so far as length, breadth, and size is concerned, upon the tariff question that I have seen. He seems to have had ample time for the consideration of political questions, and no other duties to perform. His reports came in with some degree of regularity, and his business seems to have been nothing, comparatively at least. But, finally, sir, I have to become again the champion of the Secretary of State, because, although he did not do it at first, I presume that the venerable and distinguished Secretary, when he saw that the committee was earnestly at work on this business and carefully at work upon it, reviewed his recommendations upon which the estimates were made in a subsequent report, and he himself suggested the abolition of this consulate at Coaticook.

With this action on the part of the Secretary and the advice of the distinguished gentleman from Indiana [Mr. BROWNE], I think it is unnecessary that more should be said.

Mr. CANNON. I want to say just a word. I did not move to insert "Coaticook," the Chair will recollect.

The CHAIRMAN. The gentleman from New Hampshire [Mr. RAY] offered the amendment.

Mr. CANNON briefly addressed the committee.

Mr. BURNES. I beg to add I was always imprudent and thoughtless in suggesting matters that might be prejudicial to myself. I did not know, but I might have known, the moment I suggested to my colleague from Illinois the attitude this gentleman maintained on the great question disposed of the other day that my friend would come to his defense. He comes now to the defense of Coaticook since he learns that this gentleman has been writing able articles on the subject of the protective tariff.

Mr. CANNON. I merely want to say further that possibly it may be true that my friend from Missouri has given voice now to his feeling about the consulates of this country when he censures the consul at Coaticook. But when the consul at Coaticook and all these other consuls about the world perform the duty incumbent upon them under the law to report the facts as to the trade and commerce of the countries where they represent this Government, and when those facts militate against the revenue notions of the gentleman from Kentucky or of the majority on that side, that is no good reason for dismissing a consul from office or abolishing the consulate. * * * The amendment was rejected.

Mr. HISCOCK. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 169, after the word "Britain," insert "Clifton, Great Britain."
And in line 187 strike out "\$78,000" and insert "\$79,500."

Mr HISCOCK. I do not suppose the gentleman in charge of the bill will oppose that amendment.

Mr. BURNES. I find that Clifton was omitted from the list in class 6 in consequence of a principle adopted by the committee, that where an officer had proved himself derelict or not prompt and faithful in the discharge of his duties some notice should be taken of it in a way he should remember. We were under an apprehension that this consul had not made his report. Upon further information it seems that the absence of his report arose through an error in the office of the Department at the time of the printing of the reports, and that this consul was not censurable, as we supposed. I feel authorized, therefore, following the principle recognized in the matter, to accept the amendment of the gentleman from New York.

The amendment was agreed to.

• Mr. HITT. I offer the amendment which I send to the clerk's desk.

The Clerk read as follows :

Insert in line 163, after the words "Great Britian," the words "Mahé, Seychelles, Malta, Great Britain, Copenhagen, Denmark."

Mr. HITT. That amendment will make this bill comply in its term with the provisions of the present law. I have no further remark to make.

Mr. BURNES. I would suggest to my friend from Illinois [Mr. HITT] that Copenhagen has already been provided for by authorizing the appointment of a minister resident and consul-general there. I presume he does not want a consul there in addition to a consul-general.

Mr. HITT. I do not agree with my friend in the policy of making the minister resident there also a consul-general. I believe he should be wholly a diplomatic officer, and that the consul should be a different individual. What I would prefer, and the amendment I offer is a movement in that direction, is to establish a consul there.

Mr. BURNES. This is another instance in which I agree with the Secretary of State, and the gentleman from Illinois differs from the Secretary of State.

The question was taken upon the amendment of Mr. HITT, and it was not agreed to.

The Clerk read the first paragraph under schedule C.

Mr. BURNES. In order to make this paragraph correspond with the amendment adopted in the preceding paragraph, I move to strike out the words "Clifton, Great Britain," in line 192, and also to reduce the total named at the end of the paragraph from \$35,000 to \$34,000.

The amendment was agreed to.

Mr. CANNON. I ask the gentleman from Missouri, in charge of this bill [Mr. BURNES], to consent that the paragraphs included between lines 223 and 254 may be read together, so that I can offer as a substitute for them the provision contained in the appropriation bill for the current year.

Mr. BURNES. I have no objection to that.

The Clerk accordingly read as desired ; the amendment of Mr. CANNON, however, was not agreed to.

Mr. HENDERSON, of Iowa. I move to amend by inserting after the word

"Sheffield," in line 244, the word "Genoa," and after the word "thousand," in line 245, the words "four hundred."

The object of this amendment is to maintain a clerk to the consul at Genoa at the rate of \$400 per annum.

The Secretary of State in his report recommends that the consul at Genoa shall have his salary increased from \$1,500 to \$2,000. This recommendation was unsolicited by the consul or any friend of his, having been suggested solely by a knowledge of the duties of that office; but I made no motion to increase the salary of this consul when we were upon that paragraph. The Secretary of State recommends that this officer be allowed \$600 per annum for a clerk, the same allowance now made, and which has been paid for several years. In preparing this bill the committee have overlooked or disregarded the recommendation of the Secretary of State with regard to an increase of this consul's salary, and have made no provision whatever for a clerkship, leaving this consul simply his salary of \$1,500. * * *

Mr. BURNES. • It is almost impossible for any one to determine as to the necessity for a clerkship at any particular consulate, unless upon some special information. Therefore, wherever we have had information of the character now given by the gentleman from Iowa [Mr. HENDERSON] we have allowed a clerk. As the gentleman from Iowa bears testimony from his personal knowledge that this consul needs a clerk, I am, so far as I am concerned, perfectly willing to assent to the amendment, particularly as I understand this consul was a brave soldier for four years.

The amendment of Mr. HENDERSON was agreed to.

Several clauses were passed without opposition.

The Clerk, continuing to read, read as follows:

For salaries of six marshals of consular courts, at \$1,000 each, as follows: One for all such courts in Japan, one for all such courts in the Turkish dominions, and four for all such courts in China, including Hong-Kong, \$6,000.

Mr. HITT. I move to strike out the words "including Hong-Kong." I ask my friend from Missouri to accept it. Hong-Kong is not a Chinese city, but an English city, and there is no consular court there to which to send a marshal.

Mr. CANNON. I am surprised my friend from Illinois should make such a statement here, that Hong-Kong is an English city. True, we are so informed. When we come to speak of great political divisions the people of the United States are nearly all of them of the belief that Hong-Kong is in China. I cannot prove it is not, but this bill says it is not; that it is in Great Britain. [Laughter.]

Mr. BURNES. The gentleman's wit is not as admirable as the skill with which he has managed the opposition to this bill. As to the geography of Hong-Kong, though geographically in China, it is nevertheless an English city and under the dominion of Great Britain. I had supposed the gentleman would not feel that we were giving him any information when we included Hong-Kong as a part of China geographically.

The amendment was rejected.

The Clerk read the next paragraph.

Mr. CANNON. I move to strike out what has been read by the Clerk and in lieu thereof to insert the following:

For contingent expenses of United States consulates, such as stationery, book-cases, arms of the United States, seals, presses, and flags, rent, freight, postage, and other necessary miscellaneous matters, \$110,000.

Mr. CANNON. We have come to a point in this bill where I believe, as one member of the committee at least, it is of absolute necessity and importance there should be some amendment. The provision in the bill is peculiar. It proposes to create a contingent fund which can be used only for the purpose intended, whereas the amendment I have offered creates a contingent fund covering all contingencies within the discretion of the Secretary of State. It is the same provision which has stood in the law for twenty-five years.

Let us see the effect of the change the gentleman proposes to make, and I hope I may have the attention of the committee for a moment. Under the bill as it is you could not pay for any postage. Last year the postage of consuls in correspondence with the State Department amounted to \$26,445. * * *

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Illinois.

The question was taken; and the Chair decided that by the sound the amendment was rejected.

Mr. CANNON. I call for a division. We had just as well have tellers at once.

Mr. BURNES. Before answering that call, if I can have unanimous consent for a few moments, I think I understand the motive of the gentleman from Illinois, and possibly I may be able to give him that satisfaction he desires. I do not mean anything hostile in that, of course. [Laughter.]

In the preparation of this item of the bill the committee has followed the law and appropriated for the different items authorized by the statute; but the committee has not made an appropriation for many other items that have grown up in this service by the practice of the Department. This House has now to pass upon the question whether it will recognize in future appropriations the items of expenditures that the Department now recognizes.

The gentleman from Illinois desires that you shall pass upon this question. I think the better plan would be, as I have suggested to him, to submit the direct question to the House whether you will, after appropriating for all of the items named in the statute, then agree to extend that appropriation still further by incorporating an item for the postage. The postage has not been allowed for reasons that I gave on yesterday. It has been allowed to unsalaried consuls, but is not allowed, as far as I can see, to consuls, consuls-general, and ministers. Now, I find the law in that condition. What, then, are we to do? I ask, if you wish to appropriate for postage, to let us do it plainly and frankly, and not under a misuse of language and under an interpolation of the statute law of the country. Let us do it fairly. I do not care whether you appropriate a few dollars more or less.

I am not seeking any glory, so far as reducing appropriations is concerned, in this bill.

Mr. ADAMS, of Illinois. Will the gentleman permit me to ask him a question?

Mr. BURNES. Certainly.

Mr. ADAMS, of Illinois. Will the gentleman please state what items of expense not authorized by law have in fact grown up under the practice of the Department to which he objects?

Mr. BURNES. I suppose I may say that there are twenty-five reported to me by the Secretary of State. For instance, boat hire in the Orient, advertising; messengers to consulates, publishing death notices, miscellaneous, Chinese waiters, moving consulates, newspapers and prices-current, domestic and foreign freights, and various other items of that character. Now, I say, and that is all I have to say, that this bill covers every item embraced in or authorized by the statute.

The CHAIRMAN. Does the gentleman from Illinois [Mr. CANNON] insist on his request for tellers?

Mr. CANNON. I do. I should be glad, however, if the gentleman from Missouri [Mr. BURNES] will offer an amendment to my amendment or suggest one that will appropriate specifically for postage, telegrams, and such other necessary matters as are not appropriated for in this bill. They are covered by my general amendment; but if the gentleman wants to make it specific I will co-operate with him to that end.

Mr. BURNES. I regret exceedingly I have been unable to give satisfaction to the distinguished gentleman from New York [Mr. HISCOCK], and I regret now and feel compelled to say that I regret I cannot yield to the suggestion of the gentleman from Illinois [Mr. CANNON], since every item of expense authorized by the statute law of this country has been justly, fairly, and fully appropriated for in and by this bill.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] and the gentleman from Missouri [Mr. BURNES] will take their places as tellers.

The committee divided; and there were—ayes 32, noes 63.

Mr. CANNON. No quorum.

The CHAIRMAN. A quorum not having voted, the Chair will appoint tellers, and appoints the gentleman from Illinois, Mr. CANNON, and the gentleman from Missouri, Mr. BURNES.

The committee again divided; and the tellers reported that there were—ayes 37, noes 64.

Mr. CANNON (one of the tellers). No quorum has voted.

The CHAIRMAN. The point being made that no quorum has voted, the Chair will under the rule direct the roll to be called.

Mr. BURNES. I am not willing to be a party to any dilatory proceedings, and believing that we can best dispatch business by rising, I move that the committee now rise.

The motion of Mr. BURNES was agreed to, and the committee accordingly rose.

DEBATE CONTINUED, MAY 16, 1884.

Mr. BURNES. I move that the House now resolve itself into Committee of the Whole on the state of the Union for the further consideration of the consular and diplomatic appropriation bill.

The motion was agreed to.

Mr. CANNON. I offer the amendment that I send to the desk.

The Clerk read the amendment.

Mr. CANNON. If I can have the attention of the committee and of the gentleman from Missouri for a few moments, I desire to state simply that this amendment is offered for the purpose of providing by amendment, since the same has been omitted in the preparation of this bill, for the necessary expenses indicated by the amendment. Under the present bill as reported by this committee there can be no payments of money whatever for postage. Now, the amount expended last year for postage amounted to \$26,445 on official matter. I believe it to be the sense of this committee, at least I hope it is the sense of the committee, that that postage shall be paid. The amount expended for telegrams last year was \$2,224. This provides a fund for the payment of telegrams on official business. The amount expended for necessary furniture for consulates last year was \$6,503. It will be seen that this amendment makes provision for that item. * * *

Mr. BURNES. Mr. Chairman, it would afford me a great deal of pleasure to accept the suggestions of the gentleman from Illinois if I could do so in justice to myself and in justice to the Committee on Appropriations and in justice to the interests of the country at large.

I desire, sir, to call attention again to the fact that section 1748 of the Revised Statutes authorizes the payment of certain expenses of ministers and consuls. For these items a full appropriation has been made; but, in addition to that, the gentleman comes and says that there are other items of expenditure that ought to be appropriated for. I answer him by reference to section 1743 of the Revised Statutes, that the salaries of ministers and consuls shall be in full of all personal expenses of whatever name or nature, whether incurred by treaty or statute or instructions of the Department; and also by reference to one more statute, section 1696, which provides that the postage to consuls not under salary shall be paid by the Department.

Now, I say the amount to pay the postage of non-salaried consuls is appropriated by law; and it is only the postage of the salaried consuls. This is the conclusion of law. But I should not press it if it were not for another consideration.

I must now call the attention of the committee to some matters that I would have preferred to have left unsaid and unpublished. Without prejudice against this Department, the Appropriations Committee has been impressed by—I may call them—certain official delinquencies to which the attention of the gentlemen representing the other side of this bill has been called. I shall not dwell upon these, but shall be content simply to say, in view of the partial answer made by the distinguished gentlemen from Illinois, both of them, that under the provisions

of section 4 of the act of June 11, 1874, not the act of 1856, the Secretary established the following as the maximum amounts of time actually necessary to make the transit from Washington to the following posts. The statement shows the amounts which can be paid for the thirty days and the additional time consumed in traveling from Washington to the diplomatic or consular posts.

The Secretary of State has established that, in addition to the thirty days to Apia, "seventy days shall be allowed" for transit. If you take thirty days and the seventy days, amounting to one hundred days, and reckon the salary at \$3,000, the salary now being paid and the salary paid at the time, you will find there was paid to the consul at Apia \$1,190.23, when he was entitled to but \$821.91. You will find that the time to Cairo is thirty-five days. Add thirty-five to thirty and you have sixty-five days. There is a salary of \$5,000. There are sixty-five days, for which he is entitled to \$890.41, and the Department has paid him \$1,657.62. Take Rio de Janeiro. The Department has allowed to make the trip to Washington forty days; add forty to thirty and there are seventy days. The salary is \$6,000 per annum. There have been paid to the consul \$1,562.21, when under the law and the regulations of the Department he was entitled to but \$1,150.68; a difference of \$414.53.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HATCH, of Missouri, was recognized, and yielded his time to Mr. BURNES.

Mr. BURNES. I thank my colleague. Take now the city of Florence. The Secretary of State has allowed twenty-five days. Add twenty-five to thirty and you have fifty-five days. You find that this consul has received nearly twice as much, lacking \$5, as the law and the instructions of the Department entitle him to.

Mr. REED. What consul is that?

Mr. BURNES. The consul at Florence. Go to the city of Rome, where we have a return from a grand consul-general, who receives a salary of \$3,500, with fees returned of \$915. You find him drawing contingent expenses to the amount of \$1,059.12—\$100 more than all the fees of his office—and you find another thing: that to transmit that \$915 from Rome to London—because I presume it was transferred to the financial agent at London; but no matter whether it was transferred to London or transferred to Washington—for exchange on that \$915 this consul-general in the Eternal City charged \$182.24.

I know there are bankers on this floor who understand the rates of exchange. I do not mention these matters for the purpose of impugning the integrity of the Department or of the distinguished gentleman who is at its head, but I mention them for the purpose of arousing the judgment of this House in behalf of the limitation of these general items of expenditure, which, under the discretion of a kind-hearted and generous old gentleman, cannot be withheld from greedy consuls and greedy ministers.

Mr. Chairman, I have here the whole list, and I ask permission to have it printed as a part of my remarks. It will be information that you can look at at your leisure. This relates only to the consulates that have been abolished or changed or altered; but you will find here such extravagance and apparent irresponsibility with regard to this contingent fund that you will feel as I feel, that it is best to

limit this Department to the most careful requirements of the strict letter of the law. I submit these statements with regard to the various posts.

Mr. HITT. I move to strike out the last word.

The criticisms which the gentleman from Missouri has made are upon the details of the accounts of several officers. In order to respond to them fully I should want to examine in detail the accounts of those officers. The inconsistency between the time allowance of a consul going from here to Apia and the amount of money we find charged for transit expenses will perhaps be found explained in the simple fact that that officer was a consul in Germany who was transferred from the post in Europe and allowed the time coming to America to report at Washington and then the thirty days to proceed to this Pacific island. I have not seen the accounts of the consul, but the accounts as rendered to the Department must set out in detail the days occupied in the journey.

Mr. BURNES. Will the gentleman from Illinois allow me to ask him one question in that connection?

Mr. HITT. With pleasure.

Mr. BURNES. If the consul receiving this extra leave had come home from Germany and received pay for coming home from the consulate in Germany it would have been charged to the German consulate and not to the one to which he was subsequently accredited.

Mr. HITT. It might have been, but not necessarily. He is appointed consul to Apia and is ordered from the place where he is found to the place of his new duty, and I suppose his path there was prescribed in the order. I have not examined the accounts, but that is perhaps the explanation. Remember, too, the time allowed to go to Apia is not determined by law, but by order of the Secretary, which in general is the regulation; but if the consul in fact could not get there within seventy days, the Secretary has the power under the law to make the allowance in accordance with the fact and truth; or it may in this case include the account of the returning consul. * * *

Mr. CANNON. I want to say a word here, because the gentleman from Missouri [Mr. BURNES] thought proper to refer to my colleague [Mr. HITT] and myself in his last remarks. He claims that, although he has made the charges and now makes them again, he has received no explanation or denial from myself or my colleague. I want to say here and now that, so far as the gentleman charges the Secretary of State and necessarily the Treasury Department, which audits and controls these accounts, with misfeasance or malfeasance in the expenditures of these moneys, I repel the charge.

Mr. BURNES. I trust the gentleman will allow me to interpose a moment at this point.

Mr. CANNON. Certainly.

Mr. BURNES. I have not said one solitary word that the gentleman can torture into an insinuation against the personal integrity of either the Secretary of State or the Secretary of the Treasury; or, if I have, it was altogether unintentional. I have implicit confidence, and have so stated on this floor, in the integrity and honor of both those Secretaries. But I have not that confidence, perhaps, in the integrity of the entire *personnel* of those Departments.

Mr. REED. Against whom do you make charges?

Mr. BURNES. I charge nobody. I simply assert a fact, and ask that these figures be met, not by general declamation, but by facts and figures.

Mr. REED. Have you presented these figures to the State Department with the request for an explanation?

Mr. BURNES. I have not presented all of them.

Mr. REED. Which ones have you presented?

Mr. BURNES. I have presented some of the items of this character to the Department and asked for an explanation, which up to this day has not been given to me.

Mr. REED. When did you present them and what particular items were they?

Mr. BURNES. Cairo especially.

Mr. REED. When was that presented?

Mr. BURNES. A month ago; perhaps six weeks.

Mr. REED. I hope you will lay before the House your manner of presentation—the letter in which you requested the explanation.

Mr. BURNES. I will do so with a great deal of pleasure. It will afford me a great deal of pleasure to do so. I say to my friend from Maine [Mr. REED] that in company with my distinguished colleague on the subcommittee, the gentleman from Minnesota [Mr. WASHBURN], I repaired to the Department of State and had a conversation of several hours with the Secretary of State, the First Assistant Secretary, and I believe with the Third Assistant Secretary of State; at all events, it was with a gentleman who is deaf, and we had to use a speaking-trumpet to converse with him. We discussed with those three gentlemen this matter of the Apia consul awaiting instructions.

The gentleman wants to know the manner of asking the explanation. The Secretary said: "Mr. Davis, can you explain that matter?" Mr. Davis put his speaking-trumpet to the ear of the Third Secretary of State and asked him if he could explain it. The Third Secretary talked to him in a foreign language, and then Mr. Davis informed me that they would communicate to me an explanation of that transaction in a short time.

Mr. HITT. Did that relate to Cairo?

Mr. BURNES. It related to Apia.

Mr. HISCOCK. I certainly desire to commend the industry of the gentleman from Missouri (Mr. BURNES) in searching out all these delinquencies. I hope that in regard to all branches of the Government, including the legislative department, he will be equally earnest and diligent.

I hope the gentleman from Missouri, when in the presence of his constituents he calls to account the Secretary of State, will tell those constituents whether he has ever received as a member of this House one dollar of pay that he was not entitled to under the statute.

Mr. CANNON. I call the gentleman from New York to order. I do not think it is in order for him to break up the horse-race to-day. [Laughter.]

Mr. BLOUNT. It is not time yet for gentlemen to go.

Mr. HISCOCK. I suppose when we come to the legislative appropriation bill

the gentleman from Missouri will cut down the fund for the pay of members; will, in the interest of economy, insist that every member of the House who has been absent, except on account of the sickness of himself or some member of his family, shall submit to a proper per diem reduction upon his compensation. I shall be delighted to have the Committee on Appropriations investigate and report upon this question.

Mr. BURNES. If the gentleman will allow me——

Mr. HISCOCK. Certainly.

Mr. BURNES. I will merely say in response to his remarks that I desire to go back to my constituents and say that in perfect justice and fairness to the State Department I assisted in the passage of an appropriation bill which allowed every item that the law allowed, and no more.

Furthermore, I say again it is not fair to charge that I have attempted to impugn by insinuation or direct charge the integrity of either the Secretary of the Treasury or the Secretary of State.

One word more. I wish to say to my friend from New York, so that he may feel easy on the subject, that when I go to my constituents I want to say that if I have taken a little more salary than the strict letter of the law required, I did so simply because I did not want it to appear that I was any better than the majority of the House; that I have only complied with the prevailing custom and taken just what the majority of my fellow-members took, because I was afraid to be better than the generality of the House.

* * * * *

Mr. BURNES. I move that the committee rise for the purpose of limiting debate, unless by unanimous consent we can take a vote now.

Mr. CANNON. I think there will be but five minutes longer desired in the discussion of this question on this side.

Mr. BURNES. Then I ask unanimous consent that debate on this paragraph be limited to five minutes, to be occupied by gentlemen in favor of the amendment.

The CHAIRMAN. If there be no objection that will be understood as the order of the committee.

There was no objection, and the five minutes were consumed in debate. The amendment was finally rejected.

The Clerk resumed the reading of the bill.

Mr. CANNON. I move to strike out from lines 290 to 306, inclusive, and insert what I send to the desk.

The CHAIRMAN. The Chair will state that the Clerk had read the section ending with line 306.

Mr. CANNON. My motion is to strike out from line 290 to and including line 306.

Mr. BURNES. I have not the bill before me, sir, but it occurs to me that this paragraph has been passed over. The clerk of the committee who is keeping the record of the proceedings on the bill is not present, but it seems to me that we have passed over certain sections of the bill already which are proposed to be amended by this paragraph.

Mr. CANNON. This is offered at the conclusion of the paragraph just read, as an amendment to that paragraph and the three preceding.

The CHAIRMAN. The Clerk, the Chair will state, had read four paragraphs of the bill. Thereupon the gentleman from Illinois suggested an amendment to the first three sections and a part of the fourth section, moving to strike out all of the four sections and insert that which has been read in lieu of them.

Mr. BURNES. I apprehend that it would be improper for the amendment to be considered as regards the first three paragraphs which he proposes to strike out.

Mr. CANNON. I will say to my colleague on the committee, the gentleman from Missouri, in the consideration of this bill, cut up as it is, the practice has been, as he well knows, to offer a substitute for two or three paragraphs as one amendment, and I supposed that practice still obtained.

Mr. BURNES. I am not aware of the practice the gentleman refers to, but I desire to throw myself on the knowledge of the Chair. As a matter of course, the gentleman from Illinois will remember he notified us we could not go on yesterday evening, and I do not know that I feel inclined to yield to him any point this morning.

The CHAIRMAN. The Chair will state this was done several times yesterday during the consideration of the bill. Still, under the rule, each paragraph is before the committee separately for amendment, and it is only by unanimous consent that any paragraph which has been passed over can be returned to. It is only now strictly in order to move to strike out the last paragraph which was read. The Chair inquires of the gentleman from Illinois whether he desires to ask the committee that the amendment in its present form shall be entertained by unanimous consent?

Mr. STORM. I object to going back to the paragraphs which have been passed over. I was watching for the purpose of making the point of order if necessary, but supposed that the amendment which was offered related only to the last paragraph read by the Clerk.

Mr. HOLMAN. I think, with the understanding that the subject will be disposed of at once without consumption of time, the objection will not be insisted on.

Mr. STORM. I withdraw the objection.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. STORM] withdraws his objection. The Chair is not informed whether there is any other objection.

Mr. BURNES. The gentleman from Illinois [Mr. CANNON] can never beat us in liberality. If he really desires that the objection shall be waived to including in his amendment the paragraphs which have been passed from, I feel that I can not deny him that favor.

Mr. CANNON. I do not put it on the ground of favor——

Mr. BURNES. Well, I will say courtesy.

Mr. CANNON. I put it on the ground of the practice which has been followed in the consideration of this bill. * * *

The total of appropriations to sustain these prisoners and feed the prisoners under our system of consular courts in the Oriental countries this year is \$22,600. The appropriation proposed by this bill is \$8,950; a decrease of \$13,650. This Gov-

ernment has entered into solemn treaties with the Oriental countries, under which our consuls hold courts to try men for crime and dispose of property where our citizens and the citizens of the Oriental countries are litigants. To make the courts effective you have got to have power to enforce their decrees and judgments. This takes away that power. If it is the sense of a Democratic House to absolutely turn loose the lawless in foreign lands where it is our right to protect our people against them, so be it; take the responsibility and do it. I call for a vote.

Mr. BURNES. I might very well leave this question to the committee without any remark; but there has been so much said about cutting down expenditures without regard to rhyme or reason that I propose to defend it for a moment.

It is in appearance rather than in fact that this appropriation is reduced—that is to say, if the reports that we have had with regard to the expense in China and Japan are reliable, then the appropriation is not reduced; and those who maintain that it is reduced must take a position against the action of the Department.

We have here made an appropriation for these consular courts, and we have made ample provision for these consular prisons. But the trouble is that we have struck one blow at reform. Instead of allowing the jailer to go out upon his own motion and purchase supplies to run a boarding-house for the benefit of himself, and it may be of the Government officers and guests of the Government officers living at the port, we have simply made an appropriation for the purpose of paying him so much per diem for keeping the prisoners in the jail. I need not go into detail and I know there are Republican gentlemen in this House who have the same information that outrageous abuses have occurred in China and perhaps in Japan in regard to the expenses of maintaining those consular prisons. And now, instead of authorizing our agents there to maintain a large establishment for the purpose of supplying the prisoners with food, we furnish the prison-house and the prison-keeper and we make him at his own expense feed prisoners for so much per diem. That is the only change we have made.

One word more. The greatest consular scandal that has ever grown out of the consular service in this country is connected with the consulate at Shanghai. Many of you know more about it than I do. I tell you that the scandal is not yet at an end. In saying this I mean no reflection upon the present administration of the State Department, because it may be that the hands of the Secretary of State are tied by the machinations of a foreign consul at that place, so that he has to do what he is doing. But this committee will perhaps be amazed when told that China furnished the ground to the United States as a compliment to our flag; that the ground was accepted by the consul for the benefit of one of his friends around the corner, to put it in no plainer language, and that friend built a house upon it, made an imaginary line, and divided the building into apartments for a post-office, court-house, jail, consular office, &c. Then a lease for a term of years was made, and that lease has not yet expired, by which nearly double the amount that ought to have been expended for this purpose was expended in behalf of the owner of that property, who, as I am informed, is but another name for the former consul at that port.

I mention these things, and why? Because, to its credit I say it, the present

State Department, realizing the danger in which it stood and in which it stands, has ordered our minister to China to make a thorough investigation of all these subjects, and I have no doubt that our Secretary of State intends to make a full and fair investigation. When he makes his report if anything is lacking we can give it; but at present we can never relieve this Government from the stain placed upon it by a man who bears an honorable name until we strike at this item of appropriation in the manner in which this bill does.

Mr. CANNON. I here and now deny and call for the proof of any abuse in the expenditure of keeping prisons and prisoners during the present fiscal year or the last fiscal year. I here and now deny that there is any abuse whatever in the expenditure of this twenty-odd thousand dollars now given under the law for this purpose. I here and now affirm that every dollar of that amount is necessary to maintain these prisons and the prisoners at the consular ports all around the world where we have treaties; and I call upon the gentleman from Missouri [Mr. BURNES] to give us item by item wherein the full amount is unnecessary. In the administration of the one hundred and odd thousand office-holders under this Government I have no doubt that some time or other some one or more of them may prove to be bad men; it would be strange if such were not the case. If there are bad men among them, then impeach them; if there are bad men, then expose them.

But when my friend from Missouri, on this simple business proposition, gets up here and undertakes again to play cuttle-fish, and instead of arguing the amendment which I have offered wanders off about old straw, travels over old ground that was traveled over by my colleague from Illinois [Mr. SPRINGER] long years before the gentleman from Missouri [Mr. BURNES] had the honor to be a member of this House, I apprehend that he is neither logical, strong, nor satisfactory in his attack.

Mr. BURNES. I have the figures here, which I can give in answer to the gentleman if he desires.

Many MEMBERS. Vote! Vote!

The question was taken upon the amendment of Mr. CANNON, and it was not agreed to.

The Clerk read as follows:

For relief and protection of American seamen in foreign countries, \$40,000.

Mr. HITT. I move to amend the paragraph just read by striking out \$40,000 and inserting \$50,000.

Mr. BURNES. One moment. I am not willing that the remarks of the gentleman from Illinois [Mr. CANNON] should go without any reply, after he has so vociferously denied the statements I have made, without offering any proof to sustain his denial, although with the Department of State and its officers to assist him it was easy for him to give facts and figures rather than mere declamation.

Now, the consul-general in China returned \$5,449.12; he received a salary of \$5,000 a year; he is allowed for clerk hire, \$2,000; for contingent expenses, \$1,693; for rent of jail, \$1,116; for wages of keeper of jail, \$3,049; for marshal for consular court, \$1,000; for interpreters, \$1,939.92—making a total of from \$14,000 to \$15,000. I will not now do more than simply call attention to these figures to show the extraordinary expenditures of that consulate.

One word in regard to the paragraph under consideration and the amendment offered by the gentleman from Illinois [Mr. HITT]. The Department of State expended last year for this purpose \$30,000, and no more. It may be that we cannot now determine exactly how much will be needed for next year. The gentleman from Illinois [Mr. CANNON], in the exuberance of his fancy the other day, seemed to think that he could determine by weather-signs exactly how many storms would occur, and that \$50,000 would be necessary for aiding seamen. It may be so; but, if so, he is the weather prophet, and we are not the Wigginses of the House.

But, sir, as \$30,000 was expended for this purpose last year, and as we propose to allow in this bill \$40,000, \$10,000 more than the expenditure of last year for the same purpose, I submit that our appropriation is ample, and that to appropriate more would be to do what our friend from Colorado [Mr. BELFORD] opposes so bitterly—that is, to load up the Treasury with a superabundance of money.

Mr. ADAMS, of Illinois. I wish to ask the gentleman in charge of this bill whether this appropriation for relief and protection includes the bringing home of shipwrecked sailors from foreign ports to this country.

Mr. BURNES. No, sir.

Mr. ADAMS, of Illinois. Is there a special appropriation for that purpose in some other part of the bill?

Mr. BURNES. There was an estimate; there is no appropriation.

Mr. HITT'S amendment was rejected.

Several clauses were read and adopted.

The Clerk read the following :

For printing and distributing the publications by the Department of State of the consular and other commercial reports, including circular letters to chambers of commerce, \$20,000 : *Provided*, That no part of such reports discussing partisan, political, religious, or mere moral questions shall be published.

Mr. KASSON. I ask the gentleman from Missouri [Mr. BURNES] to explain exactly what that proviso means. For the present I will reserve the point of order.

Mr. BURNES. I will explain to my friend from Iowa that this bill appropriates the same amount which was appropriated last year for this purpose.

Mr. KASSON. I understand that; but what is meant by the limitation in the proviso that no part of such reports discussing partisan, political, religious, or mere moral questions shall be published?

Mr. BURNES. That limitation has been attached to the appropriation for the reason that we will have a great many more copies for distribution among our constituents if we exclude from publication mere essays in consular reports on prohibition, protective tariff, free trade, and every other imaginable question. What we want are facts and not essays on theoretical positions.

Mr. KASSON. I feared that was the intention. I know our consuls give us a great deal of information, which is very interesting to the people, of the condition of countries where they are located. Incidentally they speak of movements involving sometimes religious wars. It adds to the interest and knowledge of our people

of what is going on abroad. On the tariff question they are obliged to report, under the rules of the Department, facts relating to the condition of manufactures, rates of duties, and effects of rates of duties.

Mr. BURNES. We do not object to their reporting facts, but we do object to the publication of labored defenses of one theory or another in reference to political, religious, and moral questions.

Mr. KEIFER. I desire to be heard for a moment on the point of order. I understand the proviso is not so much a regulation of what the consuls shall do in making their reports as it is an inhibition against the publication of their reports by the State Department. The consuls will still be at liberty to make such reports as the State Department shall require them to make, or as they may choose to make in the absence of any regulation on the part of the State Department. But I think the clause is subject to the point of order. Under existing laws these consular and other commercial reports may be printed. Now, the proviso perhaps may be said to be germane to the paragraph of the bill, but it does not come within the third clause of Rule XXI. Assuming that it is germane to the subject-matter of the bill, the adoption of the proviso will not "retrench expenditures by the reduction of the number and salary of the officers of the United States," or "by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill."

Mr. TOWNSHEND. I ask the gentleman from Ohio if the proviso will not retrench expenditures.

Mr. KEIFER. I shall be glad if the gentleman from Illinois will state how it will do so.

Mr. TOWNSHEND. It will reduce the size of the communications, and economize the time of the consuls in various ways.

Mr. KEIFER. But the proviso does not seek to regulate the consuls in making their reports. It regulates only what shall be the character of the reports published by the State Department.

Mr. BURNES. The proviso limits the expenditure.

Mr. KEIFER. The proviso does not limit the expenditure. The \$20,000 are still appropriated.

Mr. BURNES. But \$15,000 may be sufficient to publish these reports if all this is taken away from them.

Mr. KEIFER. But the gentleman from Missouri gives \$20,000 absolutely for the purposes of this expenditure. The same amount is appropriated and left to be expended, and, as has been said by the gentleman from Iowa [Mr. KASSON], the volume may be just as large, because if the consuls know remarks on these matters will not be published they will write at greater length on other subjects.

The CHAIRMAN. In the opinion of the Chair the point of order, as well as the Chair understands it, is not well taken. If the printing and circulating of certain documents cost anything, the proviso that certain reports shall not be printed for distribution would seem to decrease expenditure. Nor is the Chair advised that there is any existing law which this in any way changes. The point of order is, therefore, overruled.

The Clerk resumed and concluded the reading of the bill.

Mr. BURNES. I now move that the committee rise and report the bill and amendments to the House with a favorable recommendation.

Mr. KEIFER. I suggest to the gentleman that he had better move to lay the bill aside, to be reported favorably to the House, and allow the Committee of the Whole to proceed with the consideration of the Army appropriation bill.

Mr. BURNES. I will accept the suggestion and modify my motion accordingly.

The motion as modified was agreed to, and the bill as amended was laid aside to be reported favorably to the House.

DEBATE UPON DEFICIENCY BILL FOR YEAR ENDING JUNE 30, 1884.

JUNE 16, 1884.

The question being upon the legality of an amendment providing for the payment of a State assessment against the United States for the paving of streets adjoining public buildings, &c.—

Mr. BURNES said:

Mr. Chairman, I naturally feel the greatest diffidence in rising to speak to a question of order upon which the chairman of the Committee on Appropriations [Mr. RANDALL] and other gentlemen of much larger parliamentary experience than myself have expressed an opinion; but, in my judgment, this point of order involves a principle reaching beyond and above the positions which have been taken on either side of this question.

When the Government of the United States purchases land in a State it has the right to limit its obligations and liabilities; but in the case now before the Chair the Government did not limit its liabilities. The Government by law became a holder of real estate in one of the States of this Union. It is a holder of real estate upon the same terms and subject to the same responsibilities, the same liabilities, the same legal obligations, that rest upon every other real-estate owner in that State. Now, will it be said that there is no law requiring the Government of the United States to discharge the ordinary obligation and precisely the same obligation resting upon the private citizen? With a full knowledge of the law of Missouri (because every one is presumed to know the law) the Government purchased real estate there, and by the terms of the law, from which it did not exempt itself in the purchase, it became liable as the other property-holders. Under the laws of the State, in view of which the Government made the purchase, it became liable to improve the street to the middle of the street. Now, will it be contended in this House that an obligation of this kind resting upon this Government, an obligation assumed under the local law, can be disregarded with impunity? Did not the Government of the United States submit itself to the local laws of the State?

In this case the Government of the United States is simply a real-estate owner—nothing more and nothing else. It has been so decided by our supreme court in Missouri, and so decided, as I understand, by all the courts. If the Government wishes to purchase land in the State, and in doing so fails to exempt itself from the burdens and taxes which exist there with regard to all property-holders, why should gentlemen now come in with this plea, that there is no law authorizing an appropriation of money to enable the Government of the United States to discharge what is a legal duty under the local law to which the Government of the United States has subjected itself?

I submit that this matter overrides mere questions of parliamentary law. I think it raises a question based upon the relations of the Federal Government to

the State government—a question involving the right of the State to demand that when the Government of the United States becomes interested in real estate in a State it shall discharge the duties incumbent upon it in common with all the citizens of the State. We should not undertake in this House to assume that we can violate with impunity the local law of a State and yet demand that the people of the State shall not violate any law.

Mr. KEIFER. Before the gentleman from Missouri takes his seat I would like to ask him a question. I did not clearly understand his statement as to the decision of the supreme court of Missouri with reference to the power of municipal corporations to tax for the improvement of the streets the adjacent property. However that may be, I wish to know whether the supreme court of the State has decided that a municipal corporation has the power to tax property belonging to the United States.

Mr. BURNES. Why, sir, there is no question with regard to it. The Government of the United States in purchasing property in a State can protect itself, if it will. The Government, before purchasing this property in Missouri, demanded that an act of the Legislature should be passed authorizing the purchase and securing to the Government exemption from taxation, State, municipal, or county, which otherwise might have been imposed upon the property. But, mark you, while the Legislature of Missouri, at the request of the United States, exempted the Government of the United States from payment of taxes upon the land purchased, it did not exempt this Government from the ordinary burdens resting upon all landholders, upon all citizens alike.

Mr. RANDALL. I wish to make a word of reply to the gentleman from Missouri [Mr. BURNES] in reference to the supreme court of that State. I do not think the supreme court of Missouri ever decided that point against the United States. If I remember correctly, the decision of that court related to State public improvements.

In further answer let me say that the dedication of this property by the State of Missouri to the United States not only exempts it from taxation but in its very language uses the word "burden." As a question of law, that decision must be construed in reference to all the points involved, and we must look to the precise construction put upon the law. It will not do to say that the word "burden" means other than tax. It must be taken to mean what it is placed there for—something that taxes. That is in answer to that point.

The Chair sustained the point of order made by Mr. RANDALL against the payment of the deficiency.

The reading of the bill was resumed.

Mr. CANNON offered the following amendment :

For salaries and expenses of agents and surveyors, for fees and expenses of gaugers, for salaries of storekeepers, and miscellaneous expenses, \$150,000.

Mr. CANNON. I was not aware before on what grounds the gentleman in charge of the bill based his opposition to this appropriation. I undertake to say that his position is not tenable. He says that he does not propose to make this

appropriation because there are but fourteen days of this fiscal year yet remaining, and that we have not any details as to the names of all the gaugers and how much is owing to each man for the several days' work that has been done and has not been paid for. Now, if that is the correct principle on which to proceed in making appropriations, then we should never make appropriations for the public service until the parties performing it had volunteered that service twelve months before they get their pay, and their accounts had been audited by the Treasury Department.

Yet the gentleman from Pennsylvania [Mr. RANDALL] says that these men should be made to wait twelve months longer before they receive the pittance due them, because their accounts have not been audited. Sir, I undertake to say that we do not make appropriations in that way. We did not do so for this year, and we have not done so for the next year. We make an appropriation for this service and all other service for the Government a year in advance.

I trust this \$150,000 due and owing to these men by 56,000,000 of people, the money now being in the Treasury, will be appropriated.

Mr. BURNES. I venture to suggest to my colleague from Illinois [Mr. CANNON] that the gentleman from Pennsylvania [Mr. RANDALL], the chairman of the Committee on Appropriations, does not propose to deviate from the general principles stated by him so often and so forcibly.

The gentleman from Illinois [Mr. CANNON] appeals to this Committee of the Whole on behalf of a few men who have earned their fees as against the 56,000,000 of people in this country. As a matter of course, the gallant gentlemen of this House will respond to the weaker side, and the few against the 56,000,000 will always command our support.

But what are the facts and principles underlying this amendment? The estimate for this service for the fiscal year ending the 30th of this month was \$2,300,000, and by the appropriation bill of the last Congress there was appropriated the sum of \$2,300,000. Therefore the first principle that is violated is not by the gentleman from Pennsylvania, the distinguished chairman of the Committee on Appropriations, but by some officer of the Government, who, in excess of authority and of appropriations, has authorized persons to impose this burden upon the Government of the United States.

Mr. CANNON. Allow me right there.

Mr. BURNES. This is in the nature of voluntary or illegal service. There was no law authorizing it; there was no appropriation to pay it.

Mr. CANNON. Will the gentleman yield a moment, because right there is the point?

Mr. BURNES. I beg pardon; I will yield when I get through.

Mr. CANNON. Right at that point?

Mr. BURNES. Very well.

Mr. CANNON. The gentleman says there is no law authorizing this expenditure. The general law not only authorizes but requires that each distillery shall have a storekeeper, and that each gallon of whisky that goes out of bond shall be gauged. Now, in pursuance of that law this work was performed, but the appro-

priation is exhausted. Therefore the statement of the gentleman as to the want of law is erroneous.

Mr. BURNES. The Congress of the United States appropriated \$2,300,000 for the purpose of enabling the Commissioner of Internal Revenue to discharge his duty under the law. Now, I take it as a correct principle of government that he had no more right to spend \$150,000 more than the appropriation than I had to put my hand into the Treasury and steal that amount. I say we must hold these Government officers to responsibility and accountability. They should not be allowed to constantly impose upon us this issue.

It is said these poor men have earned this money, and that they come now to you and ask to be paid. If that is allowed, then these Government officers could keep us in this position all the time. We might as well allow them *ad libitum* to expend money from the public Treasury and then come in with their bills and we appropriate the money to pay them.

Finally, in addition to what I have already said, there has not been any effort on the part of the Commissioner of Internal Revenue to inform this committee of the details of expenditure for which he now seeks an appropriation in this bill. He has left us entirely in the dark. He has conceded the fact that it was a mere supposititious case; that he did not know how much would be needed, but he estimated a deficiency at \$150,000. In view of these facts, the Committee on Appropriations say, let the gentleman wait until the close of the fiscal year; let him come in with his deficiency when the deficiency is ascertained; let him not come to us without a bill of particulars, without anything except a mere statement that he himself has violated or ignored the law, or in deference to my friend from Illinois I will say has at least exceeded the appropriations authorized by Congress.

I will say, furthermore, that these gentlemen employed beyond the law and outside of the appropriations can very well afford to wait a few months until they can get a lawful appropriation for what is lawfully ascertained to be lawfully due.

* * * * *

Mr. BURNES. One word more. This appropriation is asked to pay special agents not authorized by law to go into Virginia and North Carolina in 1882 and look after the distilled spirits from fruit. These special agents went under the direction of a former Commissioner. They were not under the direction of the present Commissioner, and I say that as a solace to my friend from Kentucky.

But, sir, that is not entirely the question. The deputy commissioner in sending this matter to the Committee on Appropriations admits several propositions: First, that there was no authority of law for this service. Secondly, that there was authority of this office for that purpose. By some regulation of that office this liability was incurred in the summer of 1882. By no authority of law was this liability incurred in the summer of 1882 in the States of Virginia and North Carolina; but in addition he admits that when the Commissioner of Internal Revenue was asked to certify to this sum being paid he said no, and that when the Commissioner was asked to certify it to another fund he said no. If there can be any question on the point of law there can be no question as to the duty of Congress in regard to the merits of this legislation.

The amendment was not agreed to.

The Clerk read as follows :

For the payment to the governor of the State of South Carolina of one-fourth of the proceeds of leases and sales of lands in the said State under the act of Congress of June 7, 1862, according to the account stated by the Commissioner of Internal Revenue, under the direction of the Secretary of the Treasury, \$60,375.98.

Mr. PRICE. I move to strike out that paragraph. I desire to state one or two facts bearing directly on the question. They are these: August 5, 1861, assessment was made on the several States of the Union to the extent of \$20,000,000, and there was of that amount \$300,000 assessed to South Carolina. A part of that assessment only has been paid. Two hundred and ten thousand dollars of it yet remain unpaid. Growing out of that act and under the provisions of that assessment certain lands were authorized to be sold, out of which it was provided that they were to have a rebate of 25 per cent. of the amounts arising from the sales of the same.

There have been but \$110,000 paid in all, and under that clause of the act allowing the 25 per cent. rebate a bill was introduced and referred to the Committee on Claims asking an allowance of some \$60,000 to cover the amount of the rebate. That bill by some means was referred to the Committee on Appropriations. I do not know how or when it was referred. It got there in some way, as shown by the record, and that is what gives the committee now jurisdiction in making this report; otherwise the point of order would lie against it.

Mr. BURNES. Mr. Chairman, the committee had before it the full and complete recommendations of the honorable Secretary of the Treasury upon this particular subject in framing this appropriation bill. I hold in my hand a communication from that officer addressed to the Speaker of this House, too long, however, to be read, but which will be found in Executive Document No. 40, in which you will perceive the whole question is stated; and it seems to be incontrovertible that the State of South Carolina not only paid its full quota of the claim specified, with some compulsion perhaps in certain portions of the State, but that South Carolina paid not only its full proportion of the direct tax, but paid two dollars for every one of that direct tax assessed against the State—that is to say, instead of paying three hundred and some odd thousand dollars really due, the Government raised from South Carolina over \$700,000, and by an act of Congress authorized the apportionment of that surplus afterward, when it was ascertained, for certain purposes, one-quarter to go for one purpose, one-quarter for another purpose, to the governor of South Carolina (and that is this one-fourth), and the other half remains in the Treasury of the United States; so that with the rejection of this amendment proposed by the gentleman from Wisconsin the Government will have in the Treasury \$150,000 and over more than the whole amount of the State tax levied upon South Carolina during the war. In addition to this, Mr. Chairman, the Government will have in the Treasury one-half of that amount, being one-fourth of the whole amount, for another purpose, the object of

which seems to have failed ; but the Government has the money of South Carolina ; but perhaps it ought to have it in equity and justice.

But under a law of Congress, this appropriation is made to refund to South Carolina one-fourth of the surplus money that South Carolina has paid into the Treasury of the United States. Nothing can be fairer. And I am permitted to say that this appropriation has met the sanction not only of the Secretary of the Treasury, but I believe of all the gentlemen, my colleagues on the committee, whom I have consulted in regard to it or who took action thereon.

Mr. PRICE. My friend from Missouri [Mr. BURNES] says that over \$700,000 was paid in under an assessment of three hundred and fifty thousand and odd dollars, and he asks you to take that statement as against the statement of the Comptroller of the Treasury. But he meets another obstacle. My friend from South Carolina [Mr. DIBBLE] admits that only about \$360,000 was paid in. Am I right?

Mr. DIBBLE, of South Carolina. There was paid in over \$14,000 over and above the amount of the tax, or \$377,000. That is according to the restated account made by the Secretary of the Treasury and reported on the 20th of March of the present year.

Mr. PRICE. Well, take it on that basis, then.

Mr. BURNES. Will my friend allow me to interrupt him a moment?

Mr. PRICE. I like dearly to be interrupted, but I like also a little of my time myself.

Mr. BURNES. Just a moment.

Mr. PRICE. Very well.

Mr. BURNES. I would like to ask the gentleman from South Carolina to state if it is not the fact that over \$700,000 was received by the Government from the State of South Carolina.

Mr. PRICE. How can I have an opportunity to say anything if the gentleman from South Carolina takes up my time to make that statement? I would like to be interrupted if I had time. * * *

Mr. PRICE's amendment was not agreed to.

Mr. BURNES. I am instructed by the Committee on Appropriations to submit the amendment which I send to the desk.

The Clerk read as follows:

After the pending paragraph insert:

"For the payment of John Reynolds, in full satisfaction of a judgment for \$61,295.63 rendered in his favor by the circuit court of the United States for the district of California, sitting in San Francisco, Cal., against H. L. Dodge, superintendent, and Alexander Martin, melter and refiner, of the United States mint in California, for an alleged violation of certain letters patent No. 53340, issued to said John Reynolds by the Government of the United States, of date March 20, 1866, for a patented process for refining bullion, \$30,000: *Provided, however,*" etc.

Mr. BURNES. Mr. Chairman, it is proper that I should make a brief explanation of this amendment. Mr. Reynolds is the owner of a valuable patent with regard to melting and refining bullion. This process was used in the mints at San Francisco, Carson City, Philadelphia, and perhaps other places. Reynolds com-

menced suit in the circuit court of the United States for the district of California against the superintendent of the mint and the melter and refiner individually. After a trial he obtained a judgment for about \$61,000 against these two officers. The judgment was reported to the authorities here in Washington. The Director of the Mint submitted the matter to the Secretary of the Treasury, who referred it to the Attorney-General. All these officers, in passing upon the judgment, conceded its validity and the impossibility of appealing the case with any effect. Upon the presentation of the claim to the committee, it was in the first instance rejected. Subsequently, when the Attorney-General informed the committee that it was impossible for him to hope to appeal the case with effect, and that it was evident that other suits would be commenced for infringement of this patent in other mints of the country, a committee of lawyers proceeded to investigate the matter, and it was found, contrary to our expectation, that the Supreme Court had decided that suits against officers of the Government for infringement of patents could be maintained, and that the obligation of the Government to pay such judgments, in relief of the officers, was complete. On this investigation the committee reconsidered this case and authorized this amendment to be offered, and it is now before the committee.

I will state further that the Director of the Mint, in appearing personally before our committee, stated that he would have been thoroughly satisfied if the judgment had been for \$30,000, although he asked us to appropriate \$40,000 in satisfaction of the judgment. The plaintiff, rather than take his chance against the defendants in execution, was willing to compromise on that amount. In consequence of that fact the subcommittee submitted the proposition to Mr. Reynolds that this proposition would be put into the bill if he would accept \$30,000 in satisfaction of the judgment and agree furthermore to relinquish to the Government forever the right to use his patent process in all the mints and assay offices in the United States.

This is a statement of the proposition. I desire to say further that while the governments of other countries reserve in their grant of letters patent the right to use the inventions which are patented, yet this Government has never made any such reservation. It is a matter of serious consideration whether such reservation should not be made in the future.

Mr. WARNER, of Ohio. Let me ask the gentleman a question?

Mr. BURNES. Certainly.

Mr. WARNER, of Ohio. Was there any evidence before the committee as to the value of this patent?

Mr. BURNES. I understand from the Director of the Mint that the amount of saving to the Government has been more than the amount of the judgment.

Mr. HENLEY. In answer to the question of the gentleman from Ohio I will state that the saving to the Government has been more than \$70,000.

Mr. BURNES. We recommend an appropriation of \$30,000 in full satisfaction of the judgment of the court and for the right to use this patent forever.

Mr. WARNER, of Ohio. Does the gentleman from Missouri say the Supreme Court decided that the owner of a patent may sue in the circuit court of the United States a United States officer for using that patent, and get judgment, and that it

will be obligatory on the Government of the United States to pay such judgment?

Mr. BURNES. No, sir.

Mr. WARNER, of Ohio. I understood the gentleman to say that.

Mr. BURNES. The committee decided the matter in the way I have stated. It is, as a matter of course, a moral obligation from which this side of the House does not often depart, nor will the other side, I think.

Mr. WARNER, of Ohio. If that can be done indirectly, then judgments can be obtained in the United States courts against the United States. Can the gentleman refer to the decision in this case?

Mr. BURNES. I will do so in a moment.

Mr. HENLEY. I have a reference to it in the letter of the Attorney-General, as follows.

The decision was read.

Mr. WARNER, of Ohio. Does the decision of the court go to the point that the Government becomes obligated?

Mr. BURNES. Oh, no, not legally.

Mr. RANDALL. I ask for a vote.

Mr. BURNES's amendment was adopted.

* * *

The Clerk read an amendment offered by Mr. CANNON, the substance of which is noted in his remarks.

Mr. CANNON. Mr. Chairman, if the committee will give me its attention for a moment I will state what this amendment covers. If gentlemen will turn to Executive Document No. 67, which I hold in my hand, and which they can get at the document-room, they will find that these appropriations are made to pay certain items enumerated in this document. The bill, in fact, is to be read in connection with the items in this document.

In this and one other executive document, covering audited claims passed by the Treasury Department, are to be found over 2,400 claims that are now in this bill, for almost every conceivable purpose, audited under the provisions of the law, for service performed for the Government. They are audited by virtue of the act of June 14, 1878, as specified in the bill.

The CHAIRMAN [after twenty minutes of debate]. The time of the gentleman has expired on the pending amendment.

Mr. CANNON. Then I withdraw my *pro forma* amendment and move to strike out the last two words, because I want to ascertain the facts about these matters. I want to ask any or all of the members of the subcommittee that prepared this bill in the first place whether they have examined any considerable number of these 2,400 claims; and I will pause and let them answer in my time. [After a pause.] I do not get any answer.

Mr. BURNES. If my friend will indulge me I will answer him when he gets through.

Mr. CANNON. That is all right. I will indulge the gentleman if he can answer. I want to get the facts.

Mr. BURNES. Finish your argument and then I will answer.

Mr. CANNON. I will state very frankly that these claims have passed the Auditor and Comptroller of the Treasury, and stand before this House precisely as do the other claims which the gentlemen have put in this bill. I can see no reason why they should not go into the bill if any go in, and I see no reason why the others should not go out of the bill if these are kept out.

Mr. BURNES. It is not my purpose to attempt to say a solitary word that would seem to give any advantage to this side of the House over that side of the House with regard to the practices under this law for auditing claims. I think that in these business matters at least we should be fair and just, and I think the chairman of the committee has that disposition; at least he has attempted to inculcate that lesson to me upon all occasions.

I wish to call your attention to the law and then to a few facts, and then I will answer my friend from Illinois [Mr. CANNON]. First I ask the Clerk to read from volume 20, Statutes at Large, page 130, the section which I have marked.

The Clerk read as follows:

SEC. 4. That so much of section 5 of the act approved June 20, 1874, as directs the Secretary of the Treasury at the beginning of each session to report to Congress with his annual estimates any balances of appropriations for specific objects affected by said section that may need to be re-appropriated be, and hereby is, repealed. And it shall be the duty of the several accounting officers of the Treasury to continue to receive, examine, and consider the justice and validity of all claims under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of said section that may be brought before them within a period of five years. And the Secretary of the Treasury shall report the amount due each claimant, at the commencement of each session, to the Speaker of the House of Representatives, who shall lay the same before Congress for consideration: *Provided*, That nothing in this act shall be construed to authorize the re-examination and payment of any claim or account which has been once examined and rejected, unless reopened in accordance with existing law.

Mr. BURNES. I beg the attention of the committee to the fact that the law just read was passed in 1878. Prior to that time a law had existed which in connection with the practice under it, had led to the belief that there was some sanctity about this auditing on the part of a single individual in one of the Departments of the Government; in other words, that a claim when it had been audited was *res adjudicata*; that it was in the nature of a judgment of a court of justice of competent jurisdiction. In consequence of that belief Congress in 1878 gave an interpretation to that law which compelled this auditing officer to report these claims to Congress—for what? Not for passage; not to be sent unreasoningly to the Committee on Appropriations; but for consideration, showing that Congress intended to amend the previous law so as to say to future Congresses that there was no sanctity, no *res adjudicata*, about this auditing business on the part of the Comptroller.

Now, the reporting of claims to Congress under that law has gone on and on until the idea of consideration has to a large extent dropped out from the ordinary disposition of these questions, and there are distinguished gentlemen on this floor who have been disposed to consider that these claims were not questions merely for consideration when reported by the Auditors or Comptrollers of the Government.

Now, reaching that point, let me call attention, in perfect fairness and kindness, to the question before the committee. These claims come here audited for the consideration of Congress. When they come here what does consideration mean? If the claim be a war claim, it means that it shall have consideration as a war claim; if a naval claim, that it shall have consideration through the Naval Committee first and then through the House. So on with all the committees. This is all the sanctity that belongs to this auditing business.

Now, a word more. As proof that this amended act was wisely passed let me call attention to the fact that hundreds and thousands of these claims have been resurrected, audited, and reported to this Congress, not for consideration, but, in the rapid manner in which we transact business, they have been reported in a sort of common-place way, as matters fit for appropriation without consideration, as though they were in the nature of judgments.

Now, sir, my observation, limited as it has been—little as my information necessarily is, because I have been but a short time investigating these subjects—I can see, as can any gentleman who will read these reports, that there are at work in the Departments of this Government what in addressing Western men I could best liken to the work of the old-time gopher. The gopher begins his work away down in the bowels of the earth. You scarcely see him upon the surface until gently there is an upheaval, and finally a mound, and the swelling of the earth continues until you see a respectable elevation above everything that surrounds it. The gopher is at work. So in the Departments of the Government the gopher has begun with claims back in the '20's and the '30's—claims of \$3 and \$5 and \$10. The case has been found; and the case having been adjudicated without consideration by Congress, it is only necessary that a client should be found to suit the case. The gophers are at work in the Departments. They have unearthed thousands upon thousands of these claims and have reported them to Congress for consideration, and in our way of running on and on with business, we have not stopped to give these claims proper consideration. Thus we are forcing upon the Appropriations Committee the work of the War Claims Committee, the work of the Claims Committee, the work of all the committees that ought to conduct these investigations and determine the correctness of the conclusions which have been reached.

One word more—

[Here the hammer fell.]

Mr. RANDALL obtained the floor and said: I yield my time to my colleague on the committee [Mr. BURNES].

Mr. BURNES. I have not one word to say, God knows, except in praise of the honest and honored gentlemen who work upon small salaries in these Departments. But when we look around and see the temptations that exist here in our midst, I cannot but wish in my heart of hearts that this auditing business should be transferred from a single individual, that this temptation should be removed from these officers in the Departments, and these claims be submitted to Congress for consideration and investigation. I do not pretend that unfair means have been used, but when millions upon millions of dollars are involved, when claims by the hundreds and thousands and tens of thousands come before one poor, weak, frail

mortal like ourselves, while he may be sturdy enough to withstand the temptation, I would to God that he could be relieved from it.

The *pro forma* amendment was withdrawn.

Mr. HISCOCK. I move to strike out the last word. I have before me a law passed by the Forty-sixth Congress, making appropriations to pay deficiencies. In that I find these items:

For refunding to States expenses incurred in raising volunteers in the State of New York, \$61,858.95; State of Michigan, \$347.60; State of Pennsylvania, \$39,005.78; in all, \$101,212.33.

To reimburse the State of Kentucky for expenses incurred on account of her militia forces, \$15,000.

That was passed by the Forty-sixth Congress, when the party now controlling this House was in power here. Those claims were allowed by a Democratic Congress, as I have stated. I have also before me the law passed by the last Congress, in which I find these items:

To refund to the State of Missouri payments made to officers and privates of the militia forces of that State for military services actually performed in the suppression of the rebellion, \$234,594.10.

For refunding to States expenses incurred in raising volunteers, as follows: To the State of Ohio, \$67,674.98; to the State of Pennsylvania, \$94,561.15, &c.

Again, in the second session of the last Congress I find an appropriation of \$70,000 for the State of Ohio, \$2,197 for the State of Maine, \$11,700 for the State of Massachusetts, \$33,766 for the State of Pennsylvania, \$29,498 for the State of Kentucky; making in all \$148,160.

Now, in both the Forty-sixth and the Forty-seventh Congresses these appropriations were made to the States I have indicated. In the Forty-fifth Congress also they were made. But now for the first time in the history of Congressional legislation there has been a refusal on the part of the Committee on Appropriations to report in the deficiency bill items appropriating this money. It seems to me that in common fairness we should put these States upon a par with those that have already been paid—with the State of Pennsylvania, with the State of Kentucky, with the State of Missouri. In common fairness this amendment ought to be adopted.

Mr. BURNES. Mr. Chairman, I beg to say that this claim differs from the claims mentioned by the gentleman from New York in this: Those claims, it is to be presumed, were fairly and fully considered by the Appropriations Committee as the law requires; these claims have not been considered by the Appropriations Committee as the law requires. This House, if it now acts upon them, must act upon them with its eyes closed.

The gentleman from Massachusetts has specially called attention in the letter which has been read to the act of 1878. That act applies to this amendment precisely as it applied to the case we considered a while ago. Furthermore, if now, in behalf of States that have no better foundation for their claims than thousands of claimants before our Committee on Claims or the Committee on War Claims, you go back upon the record you made a few moments ago—if you show to these claims of the States a preference over thousands and thousands of claims now

pending before the House, then let it be recorded that claims worked up in behalf of a State, perhaps by an agent of the State for a commission, are to receive a consideration denied to other claims.

A word in answer to my friend from Massachusetts [Mr. LONG], usually so fair and always so able. I did not intend to make any insinuation, and I regret that so genial and so elegant a gentleman should have been so unmindful of the morning lesson given to us from that desk when we join in the petition, "Lead us not into temptation." I did not make any charge, but I would not place myself in temptation. We ask God every morning to deliver us from temptation.

These claims have been audited——

Mr. VAN ALSTYNE. Was it to avoid temptation that this committee neglected them?

Mr. BURNES. It is because we have other committees, and auditing committees, and we were unwilling to take from them the investigation of these matters, which properly belonged to them.

Mr. LONG. Did the committee pass on these other claims?

Mr. HISCOCK. I ask the gentleman——

The CHAIRMAN. To whom does the gentleman yield?

Mr. BURNES. I do not believe Congress should abdicate its constitutional powers to investigate claims against the Government.

Mr. LONG. Did any committee of this House pass on any claims allowed to Missouri, Pennsylvania, and other States.

Mr. BURNES. My confidence in the distinguished gentleman from New York [Mr. HISCOCK], who was chairman of the committee, is so great that I answer unhesitatingly they were investigated closely and honestly.

Mr. HISCOCK. So far as those claims were investigated they were investigated to this extent and no further. The gentleman from Missouri could get all the information he desired. They are predicated on a comparison of records of the General Government and the State government.

Let me ask the gentleman this question. Does he claim the Committee on Appropriations has not jurisdiction of this claim?

Mr. RANDALL. Not unless referred to it by the House.

Mr. HISCOCK. The gentleman from Massachusetts has offered an amendment and no one has made a point of order against it.

Mr. BURNES. I will answer my friend from New York by saying that whenever any such claim comes before the House I shall ask to have the question decided whether it shall not be referred to the Committee on War Claims, where it properly belongs. [Cries of "Vote!"]

The question recurred on an amendment offered by Mr. LONG.

The amendment was agreed to; and at half past eleven P. M. the Committee arose.

DEBATE ON CONFERENCE REPORT ON CONSULAR AND DIPLO-
MATIC APPROPRIATION BILL.

JULY 5, 1884.

Upon submitting the report—

Mr. BURNES said :

It is unnecessary, I presume, that I should make any further statement than that which has been submitted in writing and read by the Clerk. It may not be amiss, however, to observe that while the Senate placed one hundred and sixty-seven amendments upon the House bill, more than one-half of them were purely technical and related to the arrangement of the bill rather than to any substantial questions affected thereby. I know of no reason why I should hesitate now to move that the report be adopted, after which we can take the three items on which we have disagreed and have them considered by the House.

In that connection I will say that I had strong hopes that the conferees on the part of the Senate would agree to recede from the amendments which we have reported a disagreement upon. I believe I may say that on the part of Senators other than the conferees it is purely from a desire to test the judgment of the House that this disagreement has occurred. At all events, it becomes necessary that the judgment of the House be taken upon the three remaining amendments.

The first upon which there is a failure to agree is an amendment appropriating \$250,000 under a certain section of the Revised Statutes which authorizes the appropriation of money for, we may say, the secret service of the Government. The other two amendments are practically but one, and relate to the establishment of a commission with a secretary to visit the Central and South American States with a view of developing a spirit of commercial friendliness on the part of those States. I believe that is all I will say at present.

The report of the committee of conference was adopted.

Mr. BURNES moved to reconsider the vote by which the report was adopted, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BURNES. I now move that the amendment of the Senate numbered 158 be taken up, and that the House further insist upon its disagreement to that amendment.

The amendment was to insert the following :

(158) To meet the necessary expenses attendant upon foreign intercourse, to be expended under the direction of the President, pursuant to requirement of section 291 of the Revised Statutes, \$250,000, or so much thereof as may be necessary.

Mr. WASHBURN. Pending the motion of the gentleman from Missouri [Mr. BURNES], I move that the House recede from its disagreement to that amendment and agree to the same.

Mr. BURNES. Wait one moment ; I will give you an opportunity to make that motion.

This amendment of the Senate proposes to appropriate \$250,000 for the secret service of the Government. Before the gentleman on the other side proceeds, or takes any steps in the direction of proceeding, I think I had better make a statement. We are hedged about by obligations so that it is almost impossible for me to discriminate between what ought to be said and what cannot be said. My impression is, accepting the personal assurances of the Secretary of State, that the public interest requires that there should be no discussion of this question. I say this not because I seek to avoid discussion, but in deference to the opinion of the Secretary as to the public interest.

So far as I am concerned, believing that this House is sufficiently informed of the restrictions attempted to be placed upon us, I shall not proceed with the discussion of this question unless it is the desire upon the part of gentlemen who represent the State Department, and I have simply to say that, whatever may be the obligations seemingly placed upon us, if we enter into the discussion it must necessarily be a full and complete discussion of the whole subject and of all the facts and all the circumstances bearing upon the proposed appropriation.

This I do, yielding clear convictions on the subject in deference to an alleged public interest ; and with this statement, having moved that the House insist upon its disagreement to the amendment, I will leave it to the gentlemen on the other side to indicate the course they desire to adopt ; and upon my motion I demand the previous question.

Mr. SPRINGER. Will the gentleman permit me to ask him a question?

Mr. BURNES. Certainly.

Mr. SPRINGER. How far can the gentleman go in stating the object of this appropriation without violating the secrecy of the committee?

Mr. BURNES. I trust my friend from Illinois [Mr. SPRINGER] will not insist upon an answer to his question. I believe it would be well for the other side to indicate their preference upon this subject. They may be better informed of the limit of the obligation that may be claimed is upon us. I will not attempt to define that obligation, nor at present admit or deny that there is any whatever.

Mr. SPRINGER. I desire to know something about this appropriation before I can vote upon it.

The SPEAKER. The gentleman declines to answer, and demands the previous question.

Mr. WASHBURN. I understood my colleague on the committee would allow me to make the motion I have indicated.

Mr. BURNES. Certainly ; I will do so.

Mr. WASHBURN. I move that the House recede from its disagreement to this amendment of the Senate and agree to the same. I will simply state in the same line indicated by my colleague [Mr. BURNES] that there are many embarrassments in the discussion of the matters involved in this amendment, and I will not at the present time undertake that discussion. I will state, however, that the Senate, after listening to a very full debate, by an almost unanimous vote placed this amend-

ment on the bill. I therefore move that the House recede from its disagreement to the amendment and agree to the same, and upon that I call the previous question.

Mr. BURNES. I beg simply to say, and this will end the debate on the subject, that against the judgment or opinion of the distinguished gentleman from Minnesota [Mr. WASHBURN] I interpose that of the majority of the Committee on Appropriations, that majority of the committee having calmly and impartially considered the whole subject and reached a contrary conclusion from that of the gentleman from Minnesota.

Mr. HOLMAN. And think that the appropriation ought not to be made?

Mr. BURNES. Yes; that the appropriation ought not to be made.

Upon a yea-and-nay vote the motion of Mr. WASHBURN was not agreed to.

The SPEAKER. The question now recurs upon the motion of the gentleman from Missouri [Mr. BURNES] that the House further insist upon its disagreement to the Senate amendment 158.

The motion was agreed to.

Mr. BURNES moved to reconsider the vote just taken, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BURNES. I now move that the House insist on its disagreement to the amendments numbered 166 and 167, and upon that motion I demand the previous question.

The amendments of the Senate were to insert the following paragraphs:

For three commissioners to be appointed by the President, by and with the advice and consent of the Senate, at a compensation of \$7,500 each. Said commissioners shall ascertain the best modes of securing more intimate international and commercial relations between the United States and the several countries of Central America, and for that purpose they shall visit such countries in Central and South America as the President may direct.

For one secretary to said commission, to be appointed by the President, by and with the advice and consent of the Senate, \$3,000; and in addition to the foregoing amounts such further sum as may be required for the reasonable expenses of said commission, such expenses to be paid upon the certificate of the chairman thereof and approved by the Secretary of State; and said commission shall report their action to the President, for transmission to Congress, with such recommendation as he may deem fitting.

Mr. WASHBURN. I hope my colleague on the committee [Mr. BURNES] will withdraw the demand for the previous question so that I may make a motion that the House recede.

The SPEAKER. The gentleman can make that motion at any rate.

Mr. WASHBURN. I move that the House recede from its disagreement to these two amendments and agree to the same. I desire to state briefly that I do not suppose that there is any gentleman on this floor—

The SPEAKER. Does the gentleman from Missouri withdraw the demand for the previous question?

Mr. BURNES. I will inquire whether my colleague on the committee desires to debate this proposition?

Mr. WASHBURN. I wish to make a brief statement.

Mr. BURNES. Mr. Speaker, is there any limitation upon the debate?

The SPEAKER. There is not, unless the previous question be ordered; in which case there will be thirty minutes for debate.

Mr. BURNES. Then I insist on the call for the previous question. When the previous question is ordered, we can discuss this matter.

The previous question was ordered.

The SPEAKER. There are now thirty minutes for debate, fifteen minutes in favor of the motion and fifteen minutes in opposition.

Mr. WASHBURN. Mr. Speaker, I presume there is not a member of either House of Congress, nor an intelligent citizen of this country, who has given any attention to the subject, who does not feel deeply humiliated at the condition of our commercial relations with the States referred to in this amendment—the Southern and Central American States. The position which we occupy to-day as a nation with respect to them is absolutely humiliating. With these republics lying right at our doors we are to-day, from the want of proper reciprocal relations, absolutely robbed of all the benefits to which we are properly entitled.

The President of the United States and the Secretary of State, recognizing this condition of things, desire to take the first step to see whether something cannot be done to inaugurate such commercial relations with those countries as will give to the United States the advantages we should enjoy. * * * I reserve the remainder of my time.

The SPEAKER. The gentleman has twelve minutes remaining.

Mr. BURNES. Mr. Speaker, I beg in a few words to call the attention of the House to what I consider is involved in this amendment. We have the expense of Government representatives in every state in South and Central America. We have ministers, consuls, consuls-general, and secretaries of legation in all of the South and Central American states under the most liberal appropriations ever granted by Congress, many of these in excess of the demands of the State Department. The Appropriations Committee, without the recommendation of the Secretary of State, have added secretaries of legation and created consulates, so that in every one of these South American states we have representatives, ministers, consuls, and secretaries of legation largely beyond any former service. They are there, sir, everywhere.

We presume they are intelligent gentlemen. We have to presume that they are qualified for the discharge of the duties imposed on them by law. We are not here to say they are incompetent or unfaithful, but we are here as representatives of the people and say that they shall discharge the duties which have devolved upon them under the law. While these officers are there at every government, while the Secretary of State has the great advantage of diplomatic and consular service at every capital and every commercial city, why should he ask for more ministers, consuls, and secretaries of legation under the name of commissioners to look out for matters made the duty of our ministers and consuls by law; and why cannot he in Washington, where he is in daily intercourse with our representatives abroad, and with numerous citizens of South and Central America, confer with

them and, ordering the officers to their posts, instruct them to do the work required of them by law, rather than give it to new commissioners, extra or special officers of the Government, unknown and unnamed in the Constitution?

What necessity can there be for a roving commission at \$7,500 a year to each one of its three members, with a secretary and with contingent and traveling expenses, to go wandering and junketing from state to state, and I might say from speculation to speculation and from private interest to private interest? Are not those who have resided at these several governments for long periods of time better able to tell the movements of trade and commerce in their respective localities than this itinerant commission? Shall we discharge or supersede these officials who are now acting as ministers and consuls? Shall we ignore and dishonor them? Shall we send others there to perform the duties which have been confided to them? Is it not a confession that they have not been of any service to the Government when it is proposed to send out a commission to do the very work which they ought to have done if they are capable of doing anything at all?

I submit to gentlemen of the House on both sides that, this being a purely business question, the officials now in South and Central American states are incompetent and unfaithful in the discharge of the public duties imposed upon them. If so, is it not better that the President, in the exercise of his executive functions, should remove them from the offices for which they are incompetent and appoint in their places some of the commercial men of the country whose business has well prepared them for the labor of ministers and consuls and secretaries of legation? Let this be done and I will guarantee they will not require an extra commission to do their work for them. Let the President prepare the commercial treaty which he desires submitted to each one of these states. Let him order immediate or simultaneous negotiations to be opened and pressed by our representatives and regular reports to be made to him, so that operations in every state will be focused here in the State Department.

Let him and them work up to a general conclusion, and each minister and each consul so working definitely and reporting regularly will be a permanent aid and adjunct in the accomplishment of useful results. Thus the end desired will be accomplished without commissioners and without extra cost to the public Treasury.

Now, Mr. Speaker, other gentlemen may do as they please, but for myself I will not consent to the unnecessary duplication of officers of this Government. We have representatives now. I will not agree to appoint a new set to do their work. My constituents require me to do the work of the position they have confidently given me here, and I cannot consent that others shall have substitutes unauthorized by law or any public necessity, thereby doubling expenses and encouraging and rewarding the faithless and incompetent. The sacred Scriptures warn us against supplanting another in his work, and the Constitution of our country and the common honesty of our people abhor the proposition to appoint and pay two men for doing the work of one. Commissions like this proposed were no part of the diplomatic or commercial machinery authorized by the Constitution, and they are not in much favor with me. Whenever we have tried them we have been deceived or betrayed. They are inventions of modern growth, and are usually organized

for private ends and aims. Places are in demand. Borrowing from the great-hearted President, there are more "pegs than holes." Sinecures are easily found. Partisan service is too often paid for out of the Treasury rather than from the pocket of the beneficiary of such service. Political favorites, not active, able business men, such as travel for the great business houses of this country, will be your commissioners. If we agree to this amendment \$50,000 per year will be the cost of these four new officials. But the worst evil is that you recognize the principle of duplication of public officers in order to accommodate the throng of office-mongers.

Mr. KASSON addressed the House, followed by Mr. TOWNSHEND and Mr. HUNT.

Mr. BURNES. I beg just to call the attention of the House for a moment to the language of the amendment:

For three commissioners to be appointed by the President, by and with the advice and consent of the Senate, at a compensation of \$7,500 each. Said commissioners shall ascertain the best modes of securing more intimate international and commercial relations between the United States and the several countries of Central and South America, and for that purpose they shall visit such countries in Central and South America as the President may direct.

If gentlemen will point to any law or regulation of the State Department that does not make it the duty of ministers and consuls to do this particular work, then I shall acknowledge myself in error; but they cannot.

I desire to say a word to my friend, the distinguished gentleman from Iowa [Mr. KASSON]. In the language of those from the Mississippi Valley who have urged this scheme upon him, he has been unable to read between the lines the bitter irony in regard to the inefficiency of the present service in South and Central America. That is all. We all, everywhere, want all the trade we can get. Some of us object to a scheme that, under the name of seeking it, takes from all our ministers and consuls in South and Central America the work they are paid for performing and intrusts it to duplicate ministers or consuls under the name of commissioners, &c.

I regret, however, that my friend from Iowa [Mr. KASSON] has given us the intelligence that this was not a movement on the part of the Secretary of State; that it was not conceived by the administration, whatever the indorsement given to it by sending it here. I say that the judgment of the State Department seems to have been against it until attention was called to it, as the gentleman says, by business men of the Mississippi Valley.

In reply to the remarks of the gentleman from New Orleans [Mr. HUNT] I have a word. We have done pretty well for New Orleans at this session. Will he never give us a rest? I love New Orleans very much indeed, and hope she may not tarnish her glory and glut her spirit of enterprise by the cry of the horse-leech so long as our Treasury has a dollar of surplus.

Mr. BROADHEAD. I would ask my colleague if the business men of the Mississippi Valley are not just as capable of judging of the importance of this matter as the Secretary of State?

Mr. BURNES. I answer my colleague by saying that the Secretary of State has great duties enjoined upon him by the Constitution and the laws. It is his business

to study all these questions. I presume he does. He ought to. The business men of Saint Louis are equal to any in the world, but they study their ledgers and stock-books more closely than they do the avenues of trade and commerce or the proper diplomatic and consular service of this Government. They attend to their own business well and intelligently; they are great and successful in that respect, but if I had their ear I would say that they sometimes make a great fuss about very small matters, and sometimes make none at all when they might well cry aloud from the house-tops.

Mr. ADAMS, of New York. I would ask the gentleman what are the average salaries paid to our consuls in these different countries.

Mr. BURNES. In South America?

Mr. ADAMS, of New York. Yes; about how much?

Mr. BURNES. Our ministers there are paid from \$7,500 to \$12,000 a year each.

Mr. ADAMS, of New York. I believe there is only one minister there.

Mr. BURNES. There are some ten or twelve ministers and envoys extraordinary, and double as many consuls and consuls-general.

Mr. ADAMS, of New York. What are our consuls paid?

Mr. BURNES. From two to three and four thousand dollars a year. I cannot answer the gentleman more fully; the time is short.

I say here that it is true, as my honored friend from Connecticut [Mr. EATON] says, we want this trade. It is a question as to the agency to be adopted in order to obtain it. I ask him whether we shall have a double agency or a single agency for this purpose? What zeal induces the gentleman to stand forth here against the judgment of the people of this country as represented on this floor? What induces him to do that?

Mr. EATON rose.

Mr. BURNES. The gentleman can answer it at his leisure and through the RECORD, if he wishes, but not now.

Mr. EATON. I never write for the RECORD; I speak what I have to say.

Mr. BURNES. Very well; speak it in your own time. I say that we have reduced the tariff duties on coffee and various other articles produced in those countries without any sort of compensation. So long as we maintain war taxes here at home we cannot hope to compete for this trade. The seeds of the disease lie in our laws on the tariff question, which the gentleman is unwilling to change. Trade—general trade with the states of the south—will come when revenue is made the primary object of all tariff legislation and commerce flies once more in American ships and under our own flag.

I now yield the remainder of my time to my distinguished friend from Georgia [Mr. BLOUNT].

Mr. BLOUNT yielded his time to Mr. SPRINGER, who briefly addressed the committee.

Mr. BURNES. In order to save time I move that the House ask a further conference with the Senate on amendment number 158.

The motion of Mr. BURNES was agreed to; and the speaker announced as con-

ferrees on the part of the House Mr. BURNES, Mr. TOWNSEND, and Mr. WASHBURN.

The question then occurred upon the adoption of the Senate amendment seeking an appropriation of \$250,000 for the secret service fund of the State Department.

Mr. BURNES moved to disagree to the amendment.*

Mr. POTTER. I understand the Senate helps to make appropriations in the first place. It is a part of the treaty-making power. No treaty will be accomplished for this or any other purpose if the Senate does not agree to it; and I understand further that this has been considered by the Senate, considered at length, and that they are entirely or quite unanimous in their opinion that the interests of the country require this appropriation to be made.

Mr. BURNES. It would be unjust, sir, to the gallant Senators from my State to sit here and allow that statement, unparliamentary in the first place, to pass uncontradicted; and it is unjust to them in the second place. It was not unanimous, sir, I assure you.

Mr. WASHBURN. Very nearly.

Mr. POTTER. I do not know how that is, but such was my information.

Mr. BURNES. It was not unanimous by any means.

Mr. POTTER. It was very nearly so, as I am informed.

Mr. TUCKER. Will the gentleman from Minnesota allow me to ask a question?

Mr. WASHBURN. I will yield to the gentleman for that purpose.

Mr. TUCKER. I would like to ask the gentleman from Minnesota if there has been any communication from the executive department to either branch of Congress as to the purpose for which it desires this appropriation of \$250,000?

Mr. WASHBURN. I think there has been no written communication, so far as I know.

Mr. BURNES. Not a word.

Mr. HUNT addressed the House, largely devoting himself to a reply to the speech of Mr. BURNES.

Mr. EATON. * * * Now, one word with regard to this treaty which has been spoken of, the Clayton-Bulwer treaty. I undertake to say that there is not in this country a well-informed international lawyer, not one, who will not say that this treaty is to-day simply null and void. It requires no abrogation. Great Britain herself has violated every principle of the Clayton-Bulwer treaty. I do not regard it in the light of law at all. I do not know any well-informed man who has examined the subject who does so regard it. In that treaty Great Britain pledged herself and we pledged this country that no settlement should be made anywhere within the territory designated. To Great Britain was conceded merely the right to cut logwood, &c., at some points. She has overstepped the provisions of her own treaty. She has made a large settlement in violation of its terms. Therefore, I say the treaty is null and void.

* Notwithstanding the unseasonableness of the hour—three A. M.—Mr. BURNES, at this point in the discussion of the report, and in moving to disagree to the Senate amendment, delivered himself of a very able and exhaustive argument. The speech is found on page 4 of this work.

Mr. BURNES. I desire to ask my friend from Connecticut whether it is not a fact that no notice of any intention to abrogate this treaty has ever been given by our Government to England?

Mr. EATON. In reply to that I will say——

Mr. BURNES. Wait a moment.

Mr. EATON. That is one question. Let me answer that before you put another. No notice has been given, and none is required.

Mr. BURNES. Wait one moment. You are answering two questions—Yankee-like. [Laughter.]

Mr. EATON. I suppose I guessed what you would say next.

Mr. BURNES. Now, not as a constitutional lawyer, but as an ordinary Missouri lawyer, I ask you this question: If you enter into a contract with your colleague [Mr. SEYMOUR] that you will do a certain thing in a certain way, and he is to do a certain thing in a certain way, and you find he has not done exactly what you think he ought to have done under the contract, would you give him notice that you were going to regard the contract as annulled, or would you violate your side of the contract without any sort of notice? What would be your view of the duty of a party in such a case in the private relations of life, or the international duty as between great sovereignties who may be involved in international controversies?

Mr. EATON. I answered that question substantially at the beginning of my remarks when I said that no notice had been given of abrogation or desire to abrogate the treaty, and I said no notice was necessary because the other great contracting party has rendered the treaty null and void.

Mr. BURNES. Great Britain denies that, you know.

Mr. EATON. I do not know about that; I have not the time now to go into the correspondence between our State Department and Great Britain.

Mr. BURNES. It has been a subject of correspondence.

Mr. EATON. One word further. A contract between private individuals, the interpretation of which may be determined by the supreme court of the District of Columbia, or the supreme court of the State of Connecticut, or the supreme court of Missouri, is one thing; a contract between two great powers is quite another thing. I do not care to go into an argument to show the difference between a contract to which private individuals are parties and a treaty between sovereign powers. When one of the parties to such a treaty has rendered the treaty null and void, it is null and void as to both.

There is no court to go before except that great court of last resort. Nobody can try it—nobody except an army.

Mr. BAYNE. Permit me to ask a question?

Mr. EATON. I will.

Mr. BAYNE. Suppose after the treaty had been nullified by Great Britain the United States had availed itself from time to time of the benefits of that treaty, let me ask the gentleman whether in the light of that circumstance he would regard the treaty as void?

Mr. EATON. I beg my friend's pardon; that is hardly a proper question.

[Laughter.] The reason is the great point at issue between these two sovereign powers was the occupation or non-occupation of that territory.

Mr. BURNES. What territory? Do you allude to British Honduras?

Mr. EATON. All the territory in the vicinity of British Honduras or Lake Nicaragua; all that territory.

Mr. BURNES. Does the gentleman claim that England holds one inch of territory in Honduras or on the South American continent which it did not hold when the Clayton-Bulwer treaty was made?

Mr. EATON. Yes.

Mr. BURNES. I beg the gentleman's pardon.

Mr. EATON. Yes.

Mr. BURNES. On the contrary, our claim or that of our Government is that England has established what seems to be a government over British Honduras, and not that she has extended her territory. I defy the gentleman to show she has extended it one inch.

Mr. EATON. It is the first time in the history of England that I remember she has not extended her territory when she had the opportunity. [Laughter.]

Mr. BURNES. She has not.

Mr. EATON. But I am not talking about that. My belief is my friend is mistaken; but that is not the point. The point is, here was a treaty in regard to the manner in which certain countries or parts of territory, no matter who the owner was, should be occupied. Neither the United States nor Great Britain was at liberty to establish any great basis on any of that territory, whether British territory or American territory, whether belonging to Honduras, Nicaragua, or any other state; that was the essence, the gravamen of the treaty.

The SPEAKER. The gentleman's time has expired.

Mr. WASHBURN yielded more time to Mr. EATON and enabled the latter gentleman to complete his remarks.

Mr. BURNES. How much time remains?

The SPEAKER. The gentleman has one minute remaining.

Mr. BURNES. I will yield that one minute to my friend from Louisiana [Mr. ELLIS].

Mr. ELLIS. I thank the gentleman, but I do not want it.

Mr. TOWNSHEND addressed the House.

The SPEAKER. The gentleman from Missouri [Mr. BURNES] has one minute remaining.

Mr. BURNES. I will occupy that minute in calling the attention of my genial, accomplished, and esteemed friend from Louisiana to a statement of the Monroe doctrine as given in the message of President Monroe in 1823:

The occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintained, are henceforth not to be considered as subjects for future colonization by any European power.

[Here the hammer fell.]

Mr. BURNES. I regret I have not time to read the second and third utterances of President Monroe on the same subject. In the third he says that the peace and quiet (which are synonymous with the happiness) of the people of this country will be involved in any attempt to interfere either with the existing institutions or the governments of these people.

I now move the previous question.

The previous question was ordered.

The question being taken on the motion of Mr. WASHBURN it was not agreed to.

Mr. BURNES. I move that the House further insist on its disagreement to the amendment of the Senate.

The motion was agreed to.

The SPEAKER. Does the gentleman from Missouri move that a further conference with the Senate be requested?

Mr. BURNES. Yes, sir.

The SPEAKER. If there be no objection it will be so ordered.

There was no objection; and the Speaker announced the appointment of Mr. BURNES, Mr. TOWNSHEND, and Mr. WASHBURN as the conferees on the part of the House.

Mr. RANDALL. I would like to consult the wish of the House in relation to a recess to a later hour in the day. There are members of the conference committees who do not desire to be out of the House when important questions between the two Houses are being discussed and disposed of. I am quite willing myself to continue to sit here, but I am pressed on all sides to submit a proposition to the House. We have now been here nearly twenty-two hours, and if we could take a moderate length of time in recess perhaps we could get along better. I would suggest 3 o'clock p. m.

Mr. RANDALL's motion was agreed to; and accordingly (at 7 o'clock and 20 minutes a. m., Sunday, July 6) the House took a recess until 3 o'clock p. m.

BRIEF REMARKS ON TEMPORARY NAVAL BILL.

JULY 5, 1884.

Mr. CANNON. I wish to call attention to a remark that the gentleman from New York [Mr. Cox] made a moment ago. I have respect for him as well as for the House conferees, and yet, sir, five gentlemen, two from the House and three from the Senate, with the Secretary of the Navy, cannot bind me and cannot bind the House or the Senate. If they undertake to make an agreement in a close corporation and then get the House and Senate by the ears, I object to it because I did not authorize them to make that kind of an agreement. * * *

Mr. BURNES. I think I can make a statement with regard to this matter that will be entirely satisfactory to both sides; at least I think it ought to be. This bill went to the Senate. There were one or two Senators hostile to it, and under their rules an objection would carry the bill over for another day. I think these conferees were acting in good faith. I feel confident of that; my association with them for a number of days past has given me confidence in them that they were doing the very best they could. In order to get this bill to its present stage they had to move along gently. They got it passed with this amendment, and now I feel confident that if this amendment is non-concurred in the Senate will promptly recede. I was there when the debate took place and the proceedings were had. I consulted with some of the Senators and I feel confident that the agreement, the understanding, with all of us will be carried out by the Senate if the bill is sent back.

SECOND SESSION, FORTY-EIGHTH CONGRESS.

DEBATE ON CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

JANUARY 10, 1885.

Mr. BURNES. Mr. Speaker, I move that the House do now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of general appropriation bills.

The motion of Mr. BURNES was then agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. WILSON, of Iowa, in the chair.

Mr. BURNES. I move that the first reading of the bill be dispensed with.

The CHAIRMAN. That has already been done by consent. The Clerk will now read the bill by paragraphs.

Mr. BURNES. I do not think it was the intention to proceed with the consideration of the bill by sections until after some general debate had taken place.

The CHAIRMAN. The Chair will recognize anybody who desires to debate the bill.

Mr. BURNES. I have nothing special to offer in the way of general debate upon the bill, but perhaps a brief explanation of some of its provisions ought to be made; and in view of the fact that some gentlemen upon the floor have expressed a desire to present some views with reference to certain features of the bill before it is read by sections, I have asked that general debate be allowed. I will state simply and generally that I think the bill now pending meets the approbation of the large majority of the members of both sides of the House. I also think it substantially meets the views of the State Department, although it does not materially differ from the legislation of the last session of Congress. The differences are so slight that it is perhaps unnecessary to call specific attention to them. There are one or two items, however, to which I shall refer and ask the attention of the House.

One item especially, with reference to an estimate of \$224,000, which is omitted from the bill, was recommended for the purpose of resurveying and re-establishing the boundary line between Mexico and the United States. Upon a careful investigation of the treaty with regard to this subject it is beyond all question in my mind—and I need not detain the committee by going over it entirely—but it is beyond all question in my mind that we are not yet in a position to make an ap-

propriation for that survey, and there are a great many antecedent acts that will have to be done and performed before we will be in a condition to undertake the re-establishing of this boundary line.

It may be sufficient to state that the treaty provides for a reconnaissance, which shall be made by the representatives of the two governments; and necessarily we could not undertake to establish this line as it ought to be established or re-establish it without the approbation and the sanction of the Mexican Government. The treaty provided that representatives of that government should meet the representatives of this Government in the preliminary survey and reconnaissance. They were not present. They have made no report to their government as provided for by the treaty, and no international boundary commission, as required by the treaty, has been organized; nor have any estimates of the cost been made by this commission, as required by that treaty. In short, so many things remain undone that that treaty requires to be done before the Mexican Government would be bound to us for one-half of the cost of the work that I apprehend there can be no question as to the propriety at this time of not making an appropriation for that purpose. I may say in addition, sir, that if the appropriation should be deemed necessary it would be properly and more properly placed in the sundry civil bill than in this, so that it may be considered in that bill, if it is desired by the House or by the committee at any time hereafter to do so.

The reductions from the current law amount to \$29,080—that is to say, the reductions made by the committee. Some \$46,000—I mean of the current law—have been omitted at the suggestion and the instance of the State Department; so that it may be said the bill now pending reduces the current law but \$29,000. It increases in the way of additional consuls and clerks to consulates and in an appropriation under the neutrality act of \$12,000. The aggregate increase is \$41,000; so that you perceive while the reduction is \$29,000 the increase amounts to \$41,000.

Mr. CHACE. Is the gentleman from Missouri speaking now of the gross appropriation of the bill?

Mr. BURNES. Yes, sir.

Mr. CHACE. I read at the end of the bill, in the recapitulation, that you have made a reduction.

Mr. BURNES. There is an apparent discrepancy, for the reason that the \$224,000 appropriated for the Mexican boundary commission are not mentioned in these figures which I have given. That would increase the reduction; but I am speaking of the reduction and increase from the current law and not the estimates.

Mr. CHACE. As I understand the statement at the end of the bill, the amount of the law for 1885 was \$1,225,140. The amount of this bill is \$1,190,885. Am I right?

Mr. BURNES. That is right.

Mr. CHACE. Is not that a reduction of \$34,255?

Mr. BURNES. There is a net reduction, including these items which have been dropped out at the instance of the Secretary of State and which have led to this confusion. There is a net decrease of \$34,000.

I may say, Mr. Chairman, that the committee were by no means unanimous concerning the appropriation of \$12,000 under the neutrality act. So far as I am individually concerned I am opposed to that appropriation; but I shall not undertake now to go over ground that was so thoroughly argued at the last session of Congress.

I yield now to my colleague on the committee, the gentleman from Illinois [Mr. TOWNSHEND].

Mr. TOWNSHEND addressed the House.

Mr. BURNES rose.

Mr. ROBINSON, of New York. I ask the gentleman to yield to me.

Mr. BURNES. I will yield to the gentleman for any time he may desire.

Mr. ROBINSON addressed the House.

Mr. BURNES. Mr. Chairman, I apprehend that I meet the wish of the House in now asking that general debate be closed, and that we proceed to the reading of the bill by paragraphs.

Mr. KEIFER. I understand the gentleman from Rhode Island [Mr. CHACE] desires to be heard a brief time. I suppose there will be no objection to that.

Mr. BURNES. None at all.

Mr. CHACE addressed the House.

Mr. BURNES [replying to a remark from Mr. CHACE]. I will state for the benefit of my friend from Rhode Island that he is laboring under a mistake. There is an actual increase of appropriation for the consular service.

Mr. CHACE. How much?

Mr. BURNES. I can tell the gentleman in a moment. I cannot do it now.

Mr. CHACE. I find several other items here, among them the salary of the secretary of the legation at Turkey has been reduced \$300. That is quite a matter of economy for this great country, no doubt.

The rent of legation buildings in China is stricken out entirely, amounting to \$3,100. Why should that be so? Great Britain is constantly buying and building homes for her foreign legations, and takes the best care always of her consuls.

Mr. BURNES. Let me answer the gentleman. The \$3,100 to which he alludes is an unnecessary, or, rather, I may say an abnormal, appropriation, differing from the appropriations for all other legations in the world—that is to say, we make no such appropriation for any other legation.

Mr. CHACE. That may be all very true, but it does not alter the fact that it ought to be done.

Mr. BURNES. But I hope the gentleman will confine himself, if he pleases, to the point that he is making. He is referring to the consular service, as I understand him. Now, this is not an appropriation for the consular service, but an appropriation for incidental expenses in connection with our diplomatic service.

Mr. CHACE. Why is not that for our consular service abroad? That is exactly the point that I am making.

Mr. BURNES. It has relation to the legation.

Mr. CHACE. That is true, but are not our foreign legations of service to the country, and should they not be upheld?

Mr. BURNES. Very well, when the gentleman comes to talk of the legations I shall have something to say on that subject; but when he is speaking of the consular service I hope he will not confound the two.

Mr. CHACE. Now, these are the items which I have selected at hap-hazard from this bill, and if I had time I am sure I could find numerous others of the same kind. But perhaps one item that the gentleman will deem applies to the consular service, is this alteration or reduction of the pay of thirteen consular clerks, who are reduced from \$1,200 to \$1,000 per annum, making a reduction of \$2,600.

Mr. BURNES. If the gentleman from Rhode Island will permit me a moment I will state that by inadvertence in making up this bill there should have been a subsequent section incorporated in it which would operate as a provision for the pay of these clerks.

My colleague from Illinois [Mr. HITT] will offer an amendment to the bill to increase their salaries to the statute law. They will be increased by amendment, and have all been provided for.

Mr. HITT. I will offer an amendment at the proper time to carry out that suggestion.

Mr. CHACE. * * * I hope that it will take a step toward putting us in a respectable condition in regard to our consular and diplomatic service. I feel like saying unparliamentary things about this matter when I examine this bill. I think it is a great shame for a great nation to be so parsimonious. Here are thirteen clerks reduced \$200 each. There have been a great many reductions made in wages since the last election which have been charged to the result of the election. I do not know whether gentlemen have done this for the same reason or not.

Here is a consul at Ningpo abolished, I believe. Is not that so?

Mr. BURNES. I will say that this would properly come up when we are reading the bill for consideration by sections, and thereby save time. But in regard to Ningpo, that is abandoned, not provided for, with the full knowledge and approbation of the State Department and all the members of the committee, of both parties, for reasons that may be given if desired.

Mr. CHACE. Again, you have stricken out \$1,000 for interpreters in China and Japan. The interpreter at Bangkok reduced \$300. I am reading this simply because the gentleman from Illinois stated that there was no reduction.

Mr. BURNES. I beg to say to my friend from Rhode Island [Mr. CHACE] that I should like him some day to tell us why it is he prefers the commercial system of England as against the commercial system of this country; but that is unnecessary now. I beg to state to that gentleman, in all kindness, that when the American people have a commercial system similar to that of England we may not be driven to such straits of economy as to save \$80 here, \$500 there, \$1,000 somewhere else, and the other pitiful sums to which he has alluded. But under the commercial system which we have at present and which has been in force in this country for many years we are compelled to economize with a due regard to that republican simplicity which should govern our legislation and which does govern our people.

If no other gentleman desires to speak I shall ask unanimous consent to close this debate.

Mr. WASHBURN addressed the House in reply to Mr. CHACE.

Mr. BURNES. I now ask unanimous consent that general debate be closed, and that we proceed to the reading of the bill by paragraphs.

There being no objection, it was ordered accordingly.

The Clerk proceeded to read the bill by paragraphs, for amendment.

Mr. HOLMAN. I desire to raise a question of order on the paragraph appropriating for salaries of consuls-general at Constantinople, Madrid, and Rome. My point of order is that the office of consul-general at Madrid is provided for in this bill without authority of previous legislation. In other words, this is new legislation on an appropriation bill. The appropriation law for this service for the present year provides for consuls-general at Constantinople and Rome at \$2,000 each; the pending bill adds "Madrid" to the list at \$2,000 per year.

Mr. BURNES. If the gentleman from Indiana will suspend a moment, I desire to suggest (though I am not familiar with these questions of order) that the paragraph against which this point of order is sought to be made had been read, and the Clerk was engaged in reading the second paragraph. I submit, therefore, that the gentleman from Indiana is too late in making his objection—for the first time, perhaps, in his life.

The CHAIRMAN. The Chair will state in fairness to the gentleman from Indiana [Mr. HOLMAN] that he was on the floor when the Clerk concluded the reading of the paragraph to which the point of order applies.

Mr. HOLMAN. I rose at the time for the purpose of making the point, but the Clerk continued the reading.

The CHAIRMAN. That is the understanding of the Chair.

Mr. HOLMAN. Upon the point of order I wish to state for the information of the Chair that the present law provides as follows:

For salaries of consuls-general at Constantinople and Rome, \$2,000 each, \$4,000.

This bill proposes to change that provision, so as to read:

For salaries of consuls-general at Constantinople, Madrid, and Rome, at \$2,000 each, \$6,000.

In other words, a consul-general is now, without previous authority of law, authorized at Madrid.

Mr. BURNES. I venture to suggest, in answer to my esteemed colleague on the committee, the gentleman from Indiana, that he is mistaken in saying that this consul-general is not provided for in any law. In the first place, a consulate is established by the action of the President and Senate. We have nothing to do in the establishment or abolition of consulates or legations. These, under the Constitution, are established by the act of the President with the assent of the Senate.

In this case we are not undertaking to make law in regard to this matter. We do not make law of this character. We simply appropriate in accordance with law made by the Executive and the Senate under the Constitution.

Under a law established by the action of the President, with the assent of the Senate, we have been appropriating year after year for this consul-general. But by oversight or for some other reason—no matter what—we failed to make the appro-

priation last year. This may be said to create a deficiency, and we might have been called upon to provide for this deficiency if the President had continued the consul-general at Madrid. Therefore it seems to me, Mr. Chairman, with my limited experience here, that as we have nothing to do with the making of the law establishing consuls, it cannot be said we are changing any law or making any provision further than to appropriate the money for that which the law-making power has established by affirmative action.

Mr. HOLMAN. The only provision of the Constitution of the United States bearing on this subject is to be found on page 14 of the Manual. It is the clause enumerating the powers of the President of the United States. From that provision of the Constitution it will be seen that exactly the same powers are vested in the President of the United States with reference to foreign ministers, consuls-general, and other like officers as are provided in regard to judges of the Supreme Court and other like officers of the Government, "such as are provided for by law." I quote the language of the Constitution.

My friend from Missouri assumes the President of the United States has the power of appointment of foreign ministers and consuls under the Constitution of the United States without any preliminary legislation on the part of Congress, without legislative authority, and that all Congress has to do as to such public officers is merely to appropriate the money necessary to pay salaries. I submit that view is not and cannot be correct, and that the President cannot appoint a minister or consul-general except in pursuance of law. The law must not only provide the office but the salary. * * * Permit me to add further that the office of consul-general at Madrid has never existed, so far as I am informed, by express provision of law at any time.

Mr. BURNES. In the law for the year ending June 30, 1884, I find that appropriation was made for secretaries of legations and consuls-general at Vienna, Rome, and Constantinople at \$3,000 each, and for secretary of legation and consul-general at Madrid \$3,000. Now, this looks to me a little as though there was a law establishing a consul-general at Madrid.

Mr. HOLMAN. What does my friend read from?

Mr. BURNES. I read from the appropriation bill of last year.

Mr. HOLMAN. I had not observed that fact, and if it is true I concede, if this office was provided for and appropriated for during the present fiscal year, it is, according to former rulings, to be regarded as authorized by law for the time being.

Mr. BURNES. Here is the law which I hold in my hands.

Mr. HOLMAN. Then it is, according to the former rulings of the Chair, to be considered the law of the land for that year; but do I understand correctly? Do I understand the gentleman, to say that the appropriation was made for the present fiscal year?

Mr. RYAN. No; he said it was the law for 1884.

Mr. BURNES. It is not the current law, but an appropriation in the law for 1884. * * *

Mr. BURNES. Referring back to the argument of the gentleman upon the

Constitution, I desire to call his attention to the fact, and your attention, Mr. Chairman, to the fact, that the fathers of the Constitution were groping in great darkness from the adoption of the Constitution until 1856, because I undertake to say, after limited investigation, however, that you will not find any consulate or any legation was established from the time of the adoption of the Constitution until the year 1856.

So the Presidents, from Washington down to Mr. Buchanan, were constantly nominating, and the Senate confirming, and there was no law in existence defining or creating these offices. Now, why did they do that? I say that it was simply from their construction of this provision of the Constitution, which provides that the President shall appoint—

All other officers of the United States whose appointments are not herein otherwise provided for and which shall be established by law.

That has no reference to the class of officers named in the first subdivision of this provision of the Constitution. When you come to construe this provision of the Constitution you will find that this qualification has reference to other offices and not to those offices which were never established until 1856.

The Chair sustained the point of order made by Mr. HOLMAN, and at 3 o'clock the committee, on motion of Mr. BURNES, rose.

DEBATE CONTINUED, JANUARY 12, 1885.

Several sections of the bill having been considered and passed upon, the following paragraph was read :

CHINA.

Foochow; Canton; Amoy; Tien-Tsin; Chin-Kiang.

Mr. HITT. Mr. Chairman, I move to amend by inserting after the word "Foochow" the word "Hankow."

Mr. RYAN. I think, Mr. Chairman, that the committee ought to be a little better informed, and should understand the amendment proposed by the gentleman from Illinois, and the reason for it, before being called to vote upon it. I do not know who the consul is at Hankow. I do not know his name; but I do know that the committee has taken Hankow from the thirty-five-hundred-dollar class and put it in the fifteen-hundred-dollar class. I do not believe we acted wisely in doing so. Recently a large line of steamers—twenty-six in number—engaged in the river and coastwise commerce between Hankow and the coast, have passed into American hands and are now flying the American flag. It is the duty of the consul at this point to attend to all clearances and entries and all matters incident thereto, in addition to his other duties as consul.

But, as I have said, it is a place of growing importance and second only, in point of commercial magnitude, to Shanghai itself. I cannot understand, with all of these facts confronting us, why it is that this consulship should be degraded, that

the consulship at that point should be reduced from \$3,500 per annum to \$1,500 per annum.

Mr. BURNES. Mr. Chairman, I desire to state to the committee that I cannot share the opinion as expressed by my distinguished colleague from Kansas, for the reason that the record from the State Department shows that instead of a gradually increasing commerce there, it appears to be a gradually diminishing commerce at Hankow. At all events, the returns from that point show the enormous sum of \$716 in 1883, and in the past year \$556. Against these receipts we pay a salary of \$3,500. We lost by exchange \$59.83, and we lost by contingent expenses for three-quarters of the year; and although the year expired on the 30th of June last, the consul at that point has not been able to complete his report for that year; but with receipts of \$556, a diminished amount of receipts, there is an increase in the amount of expenditures, and I apprehend that it will be found there is a gradual diminishing of the volume of business.

In addition, sir, this is not all that we pay for the luxury of a consul-general at Hankow. There are \$1,750 more that that gentleman receives, as will be found on page 28 of the report of the Fifth Auditor. Seven hundred and fifty dollars of that is for an interpreter, and \$1,000 for a consular court. Now, I undertake to say, sir, that it is within the knowledge of my friend from Illinois that this consul has been incurring these expenses at a time when neither business at his consulate nor his own official action justify the wisdom of the maintenance of a consulate there at all. I will go further and show, with reference to the recommendations of the Department, and I apprehend it will not be denied by those who have communication with the Department, that it has been known, well-known, in official circles that this consul has received this \$1,000 a year extra by the use of the name of a woman, who supplanted the consul's wife and took her place, and whose receipt is in the State Department for the \$1,000 appropriated for the marshal of the consular court. That marshal, in short, was a woman who supplanted the wife of the consul, his wife having been returned to this country.

But now, sir, we come to the most serious consideration, and that is with regard to this line of steamers. I would like my esteemed friend from Kansas to show us why it is that so suddenly a line of steamers is established between Shanghai and Hankow? Does not my colleague know that a state of war existing between France and China has led to the sudden transformation or the sudden uprising of the American flag as a means of protection to a foreign bottom and a foreign interest? We have no interest in the line of steamers—either in its commerce, its ownership, or its business—and I would like my friend to explain to us why it is we should be so anxious to protect and preserve interests that seek our flag in a cowardly manner in the hour of danger and abandon it at the earliest moment when it can be of some service to our commerce.

Mr. REED. How do they get our flag over foreign-built ships?

Mr. BURNES. I believe I cannot answer my friend's question now.

Mr. REED. I was afraid you could not.

Mr. CHACE. Allow me to supplement that question. Here is a statement made on the floor of the House that a foreign navigation company are sailing their

ships under the American flag. I think it is really due to the committee that it be explained how that is done. Where do they get their register? I hope the gentleman from Missouri will not stop here with this statement, which is a very remarkable one.

Mr. BURNES. I will explain to the gentleman from Rhode Island, who seems to be anxious to understand this question, that I do not make this statement; but the statement has been made and has gone the rounds of the country; and I ask my friend from Kansas, as he brought in this line of steamers as a reason why we should continue this consulate on its present footing—I ask him to explain whether or not it is true, as alleged in the public press of the country and believed to be a fact, that the American flag is used in some way or other—how I shall not stop now to inquire—for the purpose of protecting interests not our own.

* * * * *

Mr. BURNES. I desire, in justice to myself, to say a single word of explanation, and then I will yield the floor. In reply to my friend from Kansas I will not say anything more than I deem absolutely indispensable in justice to myself.

The gentleman says he has been informed by the State Department that it is not true that a woman received this salary of \$1,000.

Mr. RYAN. No, sir; I do not wish to be misrepresented.

Mr. BURNES. I understood the gentleman that way.

Mr. RYAN. I said I had been informed at the State Department that the statement that this officer was guilty of any immorality was not true.

Mr. BURNES. Oh, well, it makes no difference—

Mr. RANDALL. The gentleman from Missouri never alleged that.

Mr. BURNES. So far as the play on words is concerned, a thing may not be immoral in China but may be immoral elsewhere; but I desire to state what is well known to gentlemen on this floor, that officers high in the diplomatic service of the Government and members of the State Department themselves have conceded the fact that this woman of bad character has been maintained and did receive this sum of \$1,000.

Mr. CANNON. Right there I would like to ask my friend from Missouri a simple question. I do not know this consul, not even his name, nor his wife, nor the other woman. [Laughter.] But I would like to know where in the record there is any proof of what the gentleman states concerning the private affairs of this consul.

Mr. BURNES. Well, sir, it is unwritten evidence. Such things are not usually committed to print.

Mr. REED. I should like to know how a foreign ship gets an American flag under our statutes. The circumstance is curious to me after all the fighting we have been doing here about it.

The amendment of Mr. HITT was rejected, and the Clerk read the next section.

Mr. HOLMAN. Mr. Chairman, I desired to make a question of order on line 164 of this bill. In line 164 of the bill Singapore is increased in this appropriation by the sum of \$500. That consulate has heretofore belonged to the fourth class, with a salary of \$2,500 a year. The effect of the change, the placing of the

consulate in the other class, where it now stands on the bill, is simply to increase the salary \$500. I believe that Singapore is provided in the present law as of the fourth class.

Mr. BURNES. Will my friend yield to me for a moment?

Mr. HOLMAN. Yes, sir.

Mr. BURNES. I desire simply to say the amount we have raised the fee of the consulate at that point is saved by the allowance of clerk-hire, for reasons which were plain to the committee. I suggest, therefore, that if the gentleman insists upon the point of order I shall be compelled to move to make the appropriation for clerk-hire the same in amount as the last appropriation bill, which will not be so beneficial to the country and certainly will not save anything in that direction.

Mr. HOLMAN. I agree to that; but the clerk-hire is a less item than this. However, upon the statement of the gentleman from Missouri, I do not think that I shall press the point of order.

The reading of the bill was continued.

Mr. HOLMAN. Mr. Chairman, I can hardly keep the run of this reading. I had intended to make a point of order on line 178, the consulate at Antwerp. That consul has been heretofore placed in the fourth class, at \$2,500 a year.

Mr. BURNES. I must insist that the gentleman made the point of order too late. My friend did not rise at the time this provision was read by the Clerk, and the next section had been commenced and was nearly half through before he made the point of order.

The CHAIRMAN. The gentleman from Indiana claims, however, that he could not hear the reading by the Clerk. The Chair thinks, in view of fact that there was some confusion on the floor, that the gentleman from Indiana should be allowed to make the point of order now.

Mr. HOLMAN. I make the point of order that this is new legislation and works an increase of the salary of \$500.

Mr. BURNES. I have no desire to argue the proposition except to call attention to the point of order I have submitted. We had passed through the third class of consuls; the clerk had read the beginning of the fourth class, and had read the names of three or four different consulates without objection on the part of anybody that there was confusion on the floor and without any suggestion on the part of the Chair that there was any disorder in the committee. We had progressed to a new order of consulates, and the Clerk had read three or four different names marking a distinct difference between the two grades. After he had commenced this reading my friend from Indiana rose in his seat and made a point of order on something that has been already passed over by the committee.

Mr. HOLMAN. In answer to the gentleman from Missouri I will simply say, that I was watching the reading of this bill with a view to this item and several others which I have marked, but I did not catch the reading of the provision owing to the confusion.

The CHAIRMAN. In view of the fact stated by the gentleman from Indiana, the Chair will entertain the point of order.

The Chair will hold, in view of the statement that this is new legislation and increases the salary, that the point of order is well taken.

Mr. HOLMAN. If I can get the ear of the gentleman from Missouri I will move that the words stricken out, "Belgium" and "Antwerp," be added immediately after the clause last read by the Clerk.

Mr. RANDALL. That will come in afterward at another point.

Mr. HOLMAN. It can come in here.

Mr. RANDALL. There is a proper place for Antwerp to come in further on in the bill.

Mr. HOLMAN. Very well. I shall not insist.

Several sections were favorably passed upon when the Clerk read :

For consul at Horgen, Switzerland, \$2,000 per annum.

Mr. HOLMAN. Horgen is a new consulate. It is not in the last law. I make the point of order.

Mr. BURNES. I desire to be indulged a moment while I make this remark : If the rules are to be construed and enforced, as it seems they are, then how can we ever get a consul at Horgen or any other place, however meritorious? The rule, it seems, would prevent us from establishing any new consulate.

This is now a feed consulate. It is a very important one. The records of the consulate show that it is a valuable one; that it is one not only in the very line of commerce, but that its promotion to a salaried consulate is in the line of economy. As a feed consul, the record shows that the consul received \$2,780 of fees for 1883 and \$3,360 for 1884. Under the statute he is entitled to retain \$2,500 of those fees and the balance is paid over into the Treasury. The law requires him to report all his fees, and the report shows there is a gradually increasing business there. Instead of his receiving \$2,500 salary out of \$3,300 fees we place him in the fourth class at \$2,000. If that is not in the line of economy, I ask what would be in the line of economy?

Does the gentleman from Indiana desire that this consul shall continue to receive \$2,500, not as a salaried consul, but as a feed consul? Or does he desire to retrench, to be economical, and to reduce the salary to \$2,000? He is really getting \$2,800, counting all the fees. I suggest, therefore, if my friend from Indiana is in the spirit of economy this evening he should withdraw his point of order.

Mr. HOLMAN. I shall have to insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows :

For an additional allowance for clerks at consulates, to be expended at the above-named places in the discretion of the Secretary of State, \$4,000.

Mr. RANDALL. I make the point of order that the paragraph just read is new legislation, and not in the interest of economy. I am willing to withdraw the point if the gentleman from Missouri [Mr. BURNES] can show any necessity for the provision.

Mr. BURNES. I call upon my friend, the distinguished chairman of the Committee on Appropriations [Mr. RANDALL], to bear testimony to the fact that I am as reasonably economical as I think anybody ought to be. •

Mr. RANDALL. I have only made the point of order so that the gentleman may show, if he can, the necessity for the provision.

Mr. BURNES. I am advised by a great many gentlemen that the allowances under the head of clerk-hire are very scant; hence this general provision recommended by the State Department is believed to be but a proper supplement to the reduction of clerk-hire.

Mr. RANDALL. Does the appropriation in this paragraph exceed the aggregate amount of the reduction to which the gentleman alludes?

Mr. BURNES. My impression is that this is about \$3,200 more than the current law allows for clerk-hire, all told.

The CHAIRMAN. Does the gentleman from Pennsylvania insist on the point of order?

Mr. RANDALL. I do.

The CHAIRMAN. Does the gentleman from Missouri concede that this provision is not in the present law?

Mr. BURNES. I concede that this particular provision is not; but the point of order would certainly not lie as to more than \$3,200; and, indeed, I do not see that the point of order would lie at all.

The CHAIRMAN. If this appropriation exceeds the amount allowed by the present law the whole paragraph must go out; but an amendment can afterward be moved to insert the amount authorized by law.

Mr. BURNES. My impression is there is a general provision authorizing clerical assistance to consulates; but I have not been able to find it. I will, however, call the attention of the Chair to the fact that a thousand years from now, when we may have a thousand millions of people, we cannot, if the present doctrine is to prevail, add a single clerk to our list.

Mr. RANDALL. If there is any clerk necessary at any particular point let such a provision be put in the bill; but I am opposed to giving this general allowance of \$4,000, leaving its expenditure to the discretion of the Department. I have not been able to find any law authorizing this allowance. If the gentleman from Missouri will show me the law I will yield the point, of course.

The CHAIRMAN. The Chair will be compelled to sustain the point of order unless the law can be produced.

Mr. BURNES. Very well.

The CHAIRMAN. The Chair sustains the point.

The Clerk read as follows:

To meet the necessary expenses attendant upon the execution of the neutrality act, to be expended under direction of the President, pursuant to the requirement of section 291 of the Revised Statutes, \$12,000, or so much thereof as may be necessary.

Mr. HOLMAN. I raise the question of order against that paragraph.

Mr. BURNES. I am opposed to this provision of the bill, but I will not make the question of order against it. It is the old question we argued at the last session of Congress, as to whether or not the President should have a fund which he should expend without accounting for it to the people. I am opposed to the provision.

Mr. RANDALL. The point of order has been made against it by the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. I rose in time and made the point of order.

Mr. BURNES. I do not think the point of order lies against it, as it is provided for by section 291 of the Revised Statutes.

* * *

Mr. CANNON. I will state again, I believe this question is of sufficient importance, the usual hour of adjournment being already upon us, that the committee should rise, so that we may see what the point of order is and the decision of the Chair in to-morrow morning's RECORD, and if some gentleman will make the motion that the committee rise, I shall be glad to yield for that purpose.

Mr. BURNES. I would like to accommodate my colleague on the committee, but I must dispose of this bill to-night if I can have my will.

Mr. CANNON. I will take the sense of the committee upon it anyhow. I move that the committee rise.

The question being taken, there were—ayes 17, noes 60.

So the committee refused to rise.

Without reaching a decision on the point of order, however, the House adjourned at thirty-five minutes past five.

REMARKS ON INDIAN APPROPRIATION BILL.

JANUARY 21, 1885.

THE CREEK INDIAN LANDS.—THE DISPOSITION OF OKLAHOMA.

The House having under consideration the above-named bill—

The Clerk, continuing, read the following paragraph:

For interest, at 5 per cent. per annum, on the sum of \$45,561, being an additional amount appropriated for cession of land under the third article of their treaty, dated June 14, 1866, by act approved July 17, 1884, from July 19, 1866, the date of ratification of the treaty, to July 19, 1884, the date said principal was placed to the credit of the nation, eighteen years, \$41,004.90; in all, \$112,973.30.

Mr. BURNES. I desire, if points of order have not been reserved——

Mr. RANDALL. They have been.

Mr. BURNES. I desire to reserve the right to make a point of order against this paragraph; and with that reservation I have a few remarks to offer that I think may throw some light upon this whole transaction. First, however, I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend by adding the following at the end of line 353:

"Provided, however, That no part of the above sum shall be paid until the Creek Nation shall make and file in the office of Secretary of State a deed of cession and conveyance transferring to the United States 150,000 acres of the east half of said Creek lands reserved by the Creek Nation for a permanent home in the treaty of June 14, 1866, and also a statement in writing releasing the United States from the seeming trust created by said treaty as to the west half of said Creek lands sold to the United States by said treaty."

Mr. ELLIS. I reserve the point of order.

Mr. BURNES. Now, I desire to call the attention of the committee to the fact that under the treaty of June 14, 1866, the Government of the United States obtained a conveyance from the Creek Nation of the west half of all their lands, and they reserved the east half for their permanent home forever. The line dividing the nation into two parts, according to the terms of the treaty, was to be a direct line running from north to south.

Mr. CHACE. Which treaty was that?

Mr. BURNES. The treaty of June 14, 1866. Now, you observe that by the terms of that treaty and by the granting clause of the treaty, the Government of the United States obtained a title, subject to certain limitations, to the west half, and the west half only. It obtained no title to the east half—to any part of the east half. It obtained title to the west half, and the east was reserved as a home for the Creek Indians forever. This being so, it is conceded, I apprehend, by my

distinguished colleague, who has this bill in charge, and it is a fact, that if this line had been run directly from north to south, dividing this territory into two equal parts, the quantity of land paid for would have been the quantity of land that we received. This being so, will any one contend that it was our duty, or that we had a right at the last session of Congress, to appropriate \$45,000 for the purpose of paying for land not within the west half. We did appropriate the \$45,000, under the gentle coercion of a Senate amendment, and it looks to me now as if we were appropriating for interest on a claim that never rightfully existed and for which we receive nothing; for I say to the committee now that we get no legal title to the 150,000 acres of land—none whatever, either by statute or under the treaty.

Mr. KEIFER. Why not?

Mr. BURNES. For the reason that the Creek lands were to be divided into two equal parts by a line running due north and south; the west half to be ours and the east half to belong to the Creeks forever. But a surveyor, not having the fear of God or the United States before his eyes and in violation of the express grant under the treaty, voluntarily chose to make a *détour* from what ought to have been under the treaty a direct line, and pretends to take into the west half 150,000 acres which belonged then and belongs now to the Creeks and was a part of the east half. Will my distinguished colleague on the committee [Mr. KEIFER] please read the granting clause of the treaty and dispute, if he can, the express grant of the west half and the express reservation to the Creeks of the east half as a permanent home forever? He will find it was a perfect and complete reservation of every part and parcel of the east half. My colleague, able lawyer that he is, will find a further answer to his question in the certainty, that title to unpurchased land cannot be obtained in the face of express reservation or otherwise by an illegal line run by some surveyor in direct disregard of the law of the land.

Now, then, by the terms of this treaty the Creek Indians ceded and conveyed to the United States the west half, and the west half only, of their lands. If you pay this purchase-money, or the interest on it, do you get the title to the lands? You may say that you have a right to take the lands from the Creek Indians, and that they would acquiesce in that proceeding; but I say that there is no sanction of law; there is no title to or ownership of the lands in the Government of the United States at all. Of course, I am not speaking of mere equities that such conditions might create. This being true, the question arises, Shall we sit here, having appropriated \$45,000 to pay for that to which we have no title, either under any existing law or the treaty of 1866, and now appropriate for interest on the former illegal appropriation? Shall we appropriate and pay this money for that which we do not lawfully get, which we cannot lawfully hold, which does not belong to us, and which we have solemnly, by treaty obligations, pledged as a permanent home for these Creek Indians forever? That is the question.

But it will be said, and it has been said, that the Seminole Indians have a portion of it. We purchased—or, properly speaking, coerced—from the Seminoles their entire tract of land at 15 cents an acre and sold to them, good Yankee traders as we are, 200,000 acres of this so-called Oklahoma country, the ceded lands of the

Creeks—200,000 acres at 50 cents an acre; so that while the Seminoles sold us their lands at 15 cents an acre we sold to them 200,000 acres at 50 cents an acre. So much, therefore, for the Seminoles and their connection with this transaction. Under threats of confiscation, just after the war had closed, we drove a hard bargain with them as with the Creeks.

I desire, now, sir, to call attention to another feature——

Mr. JOSEPH D. TAYLOR. Before the gentleman leaves this subject will he give, if he can, or state what reason is given for making this *détour*?

Mr. BURNES. When a surveyor, without any sanction or without any authority of law, either statute or treaty, goes and makes a *détour* or deviates from a direct line established by law I can see no motive in such a proceeding that is lawful or justifiable. No department of the Government could empower him to violate the law, yet he did it. No other reason is assigned for the action of the surveyor.

Mr. CUTCHEON. Is there any reason given for the divergence? Was it possibly to follow the course of a stream, or anything of that kind?

Mr. BURNES. There is nothing whatever that I have ever heard of to warrant or justify the proceedings at all. It seems to be wholly unjustifiable. Perhaps the gentleman who has the bill in charge—the gentleman from Louisiana—can explain if there is any reason for the divergence except lawlessness. I do not know of any; on the contrary, he must have known he was violating the law of his country, and that no sanction of his proceeding by any officer or department of the Government, save the one of which we are a part, could give even a color of legality to it. I would also say to my friend from Michigan [Mr. CUTCHEON] that there were no topographical or other impediments to the running of a straight line as the treaty requires. It appears to have been done without any sanction of law and in violation of the treaty of 1866, by which we acquired these lands.

[Here the hammer fell.]

Mr. RANDALL was recognized and yielded his time to Mr. BURNES.

Mr. BURNES. Now, let me call attention of the committee to another proposition. You will observe that this treaty was made in 1866. These Creek Indians had been unfortunate enough to array themselves against the United States in the civil war just then closed, and you will observe, by reading the provisions of the treaty, that following the example of adventurers in the Southern States, the administration of the Government of the United States at that date seemed disposed to speculate upon the misfortunes of the terrified Indians. The Creeks, having been transported from their early homes in this country to the western wilds of the Indian Territory, had been given their territory as a permanent home forever. They were at the mercy of the Government at the close of the war. They were told by the treaty itself that they had forfeited all their lands, their rights, and their other property; that by the ceding of one-half of these lands to the Government at 30 cents an acre they might hold the rest for themselves as a permanent home. Now we are taking, at the instance of a Government surveyor, without sanction of law, 150,000 acres more of their territory at the rate of 30 cents an acre, while we are selling at the rate of 50 cents to the Seminoles.

Mr. KEIFER. Is not the correct amount 350,000 acres?

Mr. BURNES. Two hundred thousand acres are provided for and sold in the Seminole treaty of the same year. I have found nothing in any treaty with either the Seminoles or Creeks to justify the statement which I have heard made upon this floor that the Government sold the Seminoles 350,000 acres of the ceded land of the Creeks. I would like for some gentleman who asserts the fact to point us to the treaty that gave more than 200,000 acres to the Seminoles. And if the fact exists, will some one inform us when and where and how the Seminoles paid for the excess? I apprehend it cannot be found. The treaty of 1866 between the Seminoles and the United States sustains the statement I have made.

I mention these things now for the purpose of making a basis for the amendment which I have had the honor to offer. We have been told that a state of war exists in this territory of Oklahoma, and that the settlers are now face to face with their destiny, that destiny being under the command of an officer of the United States Army. There can be no fair-minded man, I apprehend, who will for one moment claim that the grant of this Oklahoma territory, so called, is not subject to an express trust created by the treaty, the third section of which has been read in our hearing. These settlers, it had better be said here, have not the lawful right to go upon these Oklahoma lands.

I say this in the face of valued and esteemed constituents who are desirous of going, and some of whom have gone there, and I warn members of this committee that they will be responsible for the blood which may be shed in the conflict said to be impending if they hesitate to speak here and now firmly and distinctly to the high-hearted and gallant people hovering on the borders of Oklahoma that they have no lawful right to invade or settle that territory at this time. They should be told the truth. Congress should give them the right to enter and settle—a right denied them by solemn treaty stipulation. They see large cattle companies enjoying the blessings of the territory, and naturally and properly they think they have as much right there as these favored few with their great herds.

This being so, what follows? The Creek Indians and their enterprising attorneys want \$45,000 in money. The always able and fair-minded gentleman who has this bill in charge has investigated this claim, and comes to the conclusion that the Government owes this money to the Creeks. I do not believe a word of it; but it may be so. In this condition of things what had we better do as American representatives? Let us compromise this matter and save the threatened bloodshed to which allusion has been made here. Adopt this amendment, and let the compromise be made, providing that we shall have the lands which my esteemed friend thinks we ought to pay for, and that the Creeks, in receiving the money, shall relieve us from this seeming trust in the treaty, and allow this fair land to be opened up for the lawful settlement of the poor and homeless people of this country who may desire to go there. It has been seen in this discussion that it is lawful now to settle on these lands Indians and freedmen, and it is a well-known fact that practically a few white men with immense herds of cattle enjoy them, without military or other interference on the part of the Government, as completely as if they owned them in fee-simple. Let it be our work, by adopting the amendment, to make the honest and humble seeker of a home in this splendid region equal in right there

with the favored ranchmen, Indians, and freedmen for whom it now seems to be exclusively held.

Sir, there are in this Oklahoma territory a little less than 5,000 square miles of territory. Shall we prepare the way for 20,000 hardy, honest, industrious families to make their happy homes thereon, or by inaction allow them to be driven off by the Army of the United States, and under the merest pretense of keeping the lands for Indians and freedmen, who are not there, allow a few cattle-kings to hold and enjoy it all without let or hindrance?

Mr. RYAN. Mr. Chairman, I would suggest to the gentleman from Missouri [Mr. BURNES] to modify his resolution so as to require that the Creek Indians shall file with the Department an acceptance on their part of the survey that was made, because the lands that are sought here to be paid for are all on the west side of that line, and there might be at least some ambiguity as to whether we were paying for lands east or west of the line if the resolution or the amendment should be adopted in its present form. The object my friend has in view is simply to require the Creek Indians to accept the survey that was made, because it is by reason of that survey that the surplus number of acres that we are required to pay for is ascertained.

Mr. BURNES. Mr. Chairman, I am satisfied that the suggestion of my colleague is a good one, and I accept the amendment.

Mr. ELLIS. I insist on the point of order against the amendment.

The CHAIRMAN. The gentleman from Missouri has raised the point of order, as the Chair understood him, or reserved the right to make the point of order, against the paragraph.

Mr. BURNES. Yes, sir.

The CHAIRMAN. After that point of order is disposed of the point of order of the gentleman from Louisiana against the amendment will be heard.

Mr. ELLIS. Is not the amendment to the paragraph?

The CHAIRMAN. Yes; but the gentleman from Missouri raises the point against the paragraph, and the Chair is desirous of hearing what that point of order is.

Mr. BURNES. The point of order I desire to make is this, that there is no law by treaty or statute authorizing the appropriation of this money, and that the appropriation is in fact in violation of law; but I will not insist upon the point of order now if the gentleman from Louisiana will withdraw his point of order to the pending amendment.

Mr. ELLIS. No; I insist on my point of order.

The CHAIRMAN. The Chair understands the point of order to be that the amendment changes existing law and does not retrench expenditures. Does the gentleman desire to be heard on that question?

Mr. BURNES. I desire to say only this: Here is a paragraph in this bill which appropriates \$45,000 for the purpose of paying interest alleged to be due to the Creek Indians eighteen years ago under the terms of a certain treaty.

Mr. ELLIS. I thought the subject had been debated.

The CHAIRMAN. There has been no debate on this point of order.

Mr. ELLIS. I understood there had been; I knew, however, it had not touched it.

Mr. BURNES. I wish to say on the point of order of the gentleman from Louisiana that this is a paragraph appropriating \$45,000 under the terms of the treaty of June 14, 1866, alleged to be due the Creek Indians eighteen years ago. By referring to that treaty I find this is interest on land not included in that treaty. Then the gentleman comes to the point and says, although it is not included under the treaty, we acquired title to it by the unlawful act of our surveyor. This, therefore, is a proposition to pay for land never ceded to the United States, never granted, and never conveyed to the United States, but, on the contrary, expressly reserved by the terms of the treaty to the Creek Nation of Indians as a home forever. I say the Government cannot acquire title to real estate by the act of a surveyor. This is an alleged appropriation under the treaty, and that treaty says the appropriation is illegal and without consideration.

The CHAIRMAN. The Chair sustains the point of order against the amendment and rules it out.

Mr. BURNES. Did I understand the Chair to overrule the point of order?

The CHAIRMAN. No; the Chair sustains the point of order and rules the amendment out.

Mr. BURNES. Then I desire to press upon the attention of the Chair my point, that the paragraph is without the sanction of law.

The CHAIRMAN. The Chair understood that point to be waived.

Mr. BURNES. No; I beg the Chair's pardon; I expressly stated I would not insist upon it unless I was forced to do so.

The CHAIRMAN. Does the gentleman state that he did not state he would withdraw the point of order?

Mr. BURNES. I did not, or at least I did not intend to. I remarked I would waive my point of order if the gentleman from Louisiana would waive his.

Mr. KEIFER. I wish to state in reference to this matter that while the gentleman announced that the point of order was waived temporarily, I think he did, in fact, waive it altogether when he offered the amendment.

The CHAIRMAN. But that was offered with the implied understanding on the part of the committee, and acquiesced in by the Chair, that he reserved the point of order.

Mr. BURNES. I desire now not only to have the Chair pass upon the point of order as to the paragraph itself, but to have a vote upon that paragraph in the committee if the Chair shall overrule the point of order.

Mr. ELLIS. I understand the point of order of the gentleman from Missouri to be that there is no provision of law upon which to base the appropriation contained in the paragraph.

Mr. BURNES. That is correct.

Mr. ELLIS. In the first place, I will say that it is too late to make the point of order now, the Clerk having passed from that particular paragraph.

But, Mr. Chairman, in answer to the gentleman from Missouri, I will state that there is law for it. In the first place, there is the treaty of 1866, by which we

purchased the lands from the Creek Indians at so much per acre, part of which we paid and a portion of which we did not pay.

Now, what is the gentleman's argument? He argues that the Government acquires no title. Why, sir, the Creeks are claiming this money for the sale of that land, made to the United States. We have paid the principal, and they have acquiesced in that arrangement. They now ask that the interest due them be paid, and when we pay the interest we will have paid the purchase-money, the price agreed upon by the treaty of 1866, and the equitable title follows.

Mr. BURNES. Will the gentleman allow me to make a suggestion?

Mr. ELLIS. Certainly.

Mr. BURNES. I would like to ask my colleague on the committee if it be not the fact that by the terms of this treaty there is neither cession nor conveyance of these 151,000 acres of land, or any part of it, to the Government?

Mr. CHACE. Mr. Chairman, if the gentleman from Louisiana will yield to me for a moment I would like to suggest to the gentleman from Missouri that his question would be fully answered by reading the eighth article of this treaty.

Mr. BURNES. Then the gentleman from Rhode Island can answer the question asked of my colleague.

Mr. CHACE. It seems to me the language of this article is so clear that there is no room for a mistake. Besides that, if there be any charge that this Government itself made a mistake, they are estopped from taking advantage of their own laches.

I will read this section of this article of the treaty; it is very short:

ARTICLE VIII. It is agreed that the Secretary of the Interior forthwith cause the line dividing the Creek country, as provided for by the terms of the sale of Creek lands to the United States, in Article III of this treaty, to be accurately surveyed under the direction of the Commissioner of Indian Affairs, the expenses of which survey shall be paid by the United States.

Now, if the United States Government has made this survey, as the report of the Commissioner shows, can the Government come in here and take advantage of its own laches?

Mr. BURNES. I hope the gentleman from Rhode Island will not object to my answering his question by the old process of asking another. I ask him in the first place was this an "accurate survey" under the terms of the treaty? And secondly, can the Government acquire title by an inaccurate survey by a surveyor of its own selection?

Mr. CHACE. There is nothing to show that this is an inaccurate survey. The gentleman from Missouri has asserted that it is, but so far as I am aware he has not produced any evidence in support of the claim.

Mr. BURNES. I beg pardon; it has been read in the hearing of this committee, and it shows clearly that this territory was to be divided into two equal parts; that we were to have the west and the Creeks the east half of the territory. Now it is shown that the division is not equal.

The CHAIRMAN. Does the gentleman from Louisiana desire to be heard further upon the point of order?

Mr. ELLIS. No; let us have the ruling.

The CHAIRMAN. The Chair has no difficulty in overruling this point of order; and he does so on the ground that the bill was committed to the Committee of the Whole House on the state of the Union without the reservation of any points of order.

Mr. BURNES. I now move that the paragraph as amended be stricken out.* This motion is in the interest of peace and the people at large. It will be for the interest and the well-being of the people, especially of the Western States, whose citizens have a deep concern in this matter. The sight of a number of large cattle companies spread out all over this Indian Territory, like a network of steel, protected by our Army, has deeply impressed itself upon the minds of the people of the West. They see a few persons occupying those lands as fully, to all intents and purposes, as if the Indian title were entirely extinct and a fee-simple title vested in these few occupants. The struggling and anxious settler, poor and needy, sees Oklahoma to-day practically in the possession of a small number of persons composing cattle companies. He feels that by some means special privileges are given by his country to others and denied to him, and he realizes that a wrong is being done to him. An American, and least of all a homeless frontiersman, will not long submit to wrong or outrage.

Let us not by neglect or indifference still further arouse the deep-seated sentiment of the people who are now hovering upon the borders of this Territory. Let this provision be stricken out. Let the members of this House take time to investigate a subject upon which depends, it may be, the blood and lives of American citizens. When we have investigated it carefully and thoroughly some action perhaps may be reached which will quiet the public mind, bring peace and happiness to a people upon whom now sit gloom and discontent, and mark another victory for that great principle of equality of right in all which is dear alike, we trust, to every representative of the people on this floor.

Let this paragraph for the present go out. It is of doubtful propriety. It is outside of any treaty, outside of any law. Say what you please about acquiring title by the act of a surveyor, you are appropriating this money after the lapse of eighteen years for interest on a pretended debt that never existed—an old, stale claim—and nothing is offered by it that will in the least show a disposition to protect rights of persons now threatened, abolish special privileges now grown hateful to great masses of earnest men, or save the border from commotion and conflict.

Mr. VALENTINE. Are there any cattle now upon the Oklahoma territory?

Mr. BURNES. The Oklahoma territory, 5,000 square miles in extent, is covered with cattle as a dead carcass in midsummer with flies.

Mr. VALENTINE. Is that country so occupied under a lease?

Mr. KEIFER. They ought to be driven off.

Mr. BURNES. To my friend from Nebraska I answer no; neither lease nor known tribute to any one. I blame no one; I censure no one; but the fact exists

* This motion was made to test the sense of the Committee.

that this Oklahoma country in its entirety is occupied without molestation by the cattle of great cattle companies. They occupy every acre of it to the practical exclusion of the individual settler. Our people believe that if it is lawful for a man with a vast herd of cattle to go into that territory, it is lawful for the settler to go there with his wife and little ones. They cannot help feeling this way. Under these circumstances I hope the Committee of the Whole will strike out this provision and let the matter rest until some proper provision can be made that will give peace, quiet, and equal rights in Oklahoma to all alike.

Mr. BURNES' motion to strike out the paragraph was disagreed to.

ARGUMENT TO PASS DEFICIENCY BILL UNDER SUSPENSION OF
THE RULES.

FEBRUARY 25, 1885.

Mr. BURNES. Mr. Speaker, of all the bills that come before the House of Representatives perhaps none can be so safely passed under a suspension of the rules as the general deficiency bill. Its items of appropriation come, or ought to come, from existing laws and deficient appropriations by preceding legislation. Mere claims have no place in such a bill, and from it should be rigidly excluded everything not clearly authorized by law. If any question of fact is involved, or if any fact is to be found, the Committee on Claims should have the exclusive jurisdiction.

It is, therefore, a safe conclusion that no objections will be urged against anything that is in the bill; only those things left out of the bill can defeat its passage. Everything that is in the bill, I apprehend, will meet with the approval of every member upon this floor. The trouble is, if there be any, that there are some things outside of the bill which various gentlemen would like to have in it. In view of that fact, I beg to say that there may be some matters omitted from the bill which it would have been safe for the committee to have inserted and allowed; but, so far as our limited time and strength would permit, we have given due consideration to everything submitted to us for investigation, and believe no substantial injustice has been done to any one in the exclusion of many items pressed upon our deliberations. It may, perhaps, be some consolation for me to say to gentlemen who believe that meritorious items have been omitted from this bill that in the other end of the Capitol its provisions will be reviewed with great freedom and independence, and if amendments are made a review will be had in conference that must be satisfactory to both bodies.

Mr. Speaker, general debate upon a general appropriation bill is, it seems to me, a misnomer. It is impossible to conclude what general debate would be appropriate to a general deficiency bill. It is a bill consisting of numerous items, and if we should take up item after item it would occupy from now until after the 4th of March to consider the merits or, if you please, the demerits of them all. Hence, as we cannot stop to consider the merits of each particular item, I will simply call attention to one principle that has guided us in the preparation of the bill.

Under existing law the accounting officers of the Treasury seem to be authorized to audit and allow certain claims against the Government, and when they shall have audited them it is made their duty to report them for the consideration of Congress. There is a deep desire on the part of certain gentlemen not members

on this floor, but gentlemen interested outside, to construe the action of the accounting officers of the Treasury in these cases as adjudications, and to give to such adjudications the form and effect of the judgment of a court of competent jurisdiction.

The committee in the preparation of this bill have acted upon the principle that the action of the accounting officers of the Treasury is only *prima facie* evidence, if that—merely presumptive evidence of a meritorious claim for appropriation. Wherever the element of *claim* was found to exist we refused to consider it, for the reason that we have here a Committee on Claims having jurisdiction of such matters, and we sought to avoid trespassing upon the authority or jurisdiction of a co-ordinate committee of the House.

Mr. BLOUNT. If the gentleman will allow me I wish to ask him if section 4 of this bill, which seems to be intended as a statute of limitation against claims to be examined by the Treasury Department, is approved by the Treasury Department in the form which it appears in the bill.

Mr. BURNES. I will answer my distinguished friend from Georgia by saying that section 4 of the bill is the work of a former Secretary of the Treasury, fully and warmly approved by him; and, so far as the committee have been informed, it has been approved by each succeeding Secretary of the Treasury for several years past.

Mr. BLOUNT. If my friend will allow me one other question I will not interrupt him further. I see in this bill a provision for the abolition of the National Board of Health. I wish to ask what is the purpose of the Committee on Appropriations as to providing in this or any other bill for protection against the appearance of cholera or any epidemic of that kind.

Mr. BURNES. The matter of the protection of the public health has been provided for most liberally in the sundry civil appropriation bill, by an appropriation to be disbursed at the discretion of the President.

Mr. BEACH. Does not this bill contain legislation—

Mr. BURNES. Undoubtedly.

Mr. BEACH. Upon a very important point?

Mr. BURNES. Undoubtedly.

Mr. BEACH. Does it not wipe out of existence the National Board of Health?

A MEMBER. It ought to be wiped out.

Mr. BURNES. The National Board of Health was wiped out a year ago, but, its members did not know it. [Laughter.]

Mr. BEACH. That is a mistake, Mr. Speaker. The board is still in existence. The act of 1879, under which it was created, is still the law of the land.

The SPEAKER *pro tempore*. The gentleman from New York [Mr. BEACH] is not in order. The gentleman from Missouri [Mr. BURNES] will proceed.

Mr. BURNES. I was considering for a moment the force and effect we should give to claims audited by the Treasury Department. I have found in my investigation—and I think the Committee on Appropriations has about reached the same conclusion, perhaps unanimously—that it is not every audited claim that has either justice, or merit, or law in its favor. Therefore, as upon examination we find

specific claims which it would be wrong and an outrage to allow simply because of their being audited, we have concluded that they are not entitled to absolute verity. Congress cannot abdicate its functions or transfer them to mere clerical agents in the Departments. Its authority and duty to adjudicate upon the rights of the Government and the rights of the people cannot be so transferred or abandoned.

The work of these Department officers is not the constitutional and intelligent consideration and action of the Congress of the United States, and it must not be allowed to grow upon us as a substitute for direct Congressional investigation and decision by the proper committees. We have sought, therefore, to allow no appropriation without due consideration. The circumstances surrounding us, the condition of the business of the House, and the shortness of the session remaining are known to us all. We could earnestly wish for time to submit the work of the committee to the closest scrutiny of the House, but the necessity for my motion to pass this bill under a suspension of the rules must be apparent to every member. Reserving the remainder of my time, I yield to my friends on the other side, if general debate is desired.

Mr. REED, of Maine. Mr. Speaker, I am ready to admit that there may be occasions when it is proper to pass an appropriation bill without discussion, under a suspension of the rules. In the Forty-seventh Congress, when we had before us a tariff bill of which the country demanded the passage, it became necessary to pass the deficiency appropriation bill in this way; but in this case I called for a second for the purpose of demanding, and with the expectation of receiving, some explanation, either from the gentleman from Pennsylvania [Mr. RANDALL] or the gentleman from Missouri [Mr. BURNES], of the reasons for this extraordinary course; for if the supervision of the House of Representatives over the expenditure of the public money amounts to anything it is when that supervision is exercised item by item. The passage of this bill in this way really demands an explanation, which has not been given.

Why is it that this bill has been so long delayed? It cannot be on account of the pressure of other public business, for it is known to this House and to the country that the other public business of the country has not been transacted. Why, then, has this bill been delayed, and why is it that we are remitted by the gentleman from Missouri to the Senate of the United States for amendments? The gentleman from Missouri, in the sole explanation which he has vouchsafed to give, says that this is a bill eminently fit to pass under a suspension of the rules, if any is. Why? Because it is a deficiency bill; and he says that those items which have been adopted can safely pass. Why, sir, that is not an auditing of the public accounts. What the country has a right to have is a vote of the House of Representatives upon the demands and the rights of every citizen, and these ought to be presented here by the representatives of the people, who ought not to be told by the Committee on Appropriations that they can go to another body to have their case presented. * * *

Mr. DINGLEY. What I wish especially to call to the attention of the House is the omission of a deficiency appropriation asked by the Secretary of the Interior for printing and binding. He asks for \$60,000 for that purpose. At the last session the appro-

priation asked for was reduced from \$402,000 to \$342,000, and that caused necessarily a deficiency of \$60,000 in the printing and binding of the Interior Department, covering the printing of the Patent Office, of the Indian Bureau, of the Educational Office, and of all the other bureaus. It seems to me in a matter of routine like this, when every gentleman knows it will be needed, to omit an appropriation of that kind asked for by the Secretary and recommended by the Secretary of the Treasury, even with the expectation the Senate will insert it, is not meeting the just demands upon this House. I suggest to the chairman of the subcommittee this omission ought to be supplied before the bill leaves the House. By unanimous consent the item can be inserted. The Department asks for \$60,000, and it should be granted.

Mr. BURNES. I will answer the gentleman from Maine by saying the Interior Department has expended, out of the appropriation of \$342,000, in the first five months \$185,000, in round numbers. That was an expenditure in the first five months of the current fiscal year. At present there are but \$31,000 left of the fund, but it will be perceived that an extraordinarily large amount has been expended in less than the first half of the year. I will say frankly that a desire on the part of the committee to look into what seems to be an abuse generally in all this printing business by the Departments determined the majority of the committee not to make an additional appropriation for the balance of the current year.

The question was further debated with much fervor by various other members. The motion of Mr. BURNES, however, was agreed to, and the rules were suspended and the bill passed; two-thirds voting in favor thereof.

BRIEF REMARKS UPON APPROPRIATIONS FOR PUBLIC BUILDINGS.

FEBRUARY 27, 1885.

Mr. BURNES. Mr. Speaker, if the gentlemen on the other side have sufficiently amused themselves and are disposed to be just a little serious, I have a few words to offer. Of course the Committee on Appropriations need no defense against the pleasantries and wit with which the House has been so generously enlivened. So far as I know or have been advised, no gentleman has presented any subject to the committee or to myself that failed to receive a careful and honest consideration, and no legal and meritorious appropriation for the continuation of work on any public building has been denied. In all cases when the Congress have authorized the erection of a public building it becomes the duty of the Supervising Architect, under the direction of the Secretary of the Treasury, to prepare plans and specifications for it, and submit estimates of appropriations from year to year as the progress of the work may require. The Committee on Appropriations have not undertaken to authorize the erection of any building, but simply to appropriate for such as are already authorized and established.

In the exercise of the power to bring in bills of appropriation the committee found in the official report of the Secretary of the Treasury that a building having been authorized and under construction at Jefferson City, the capital of my State, needed \$32,000 to make it of fire-proof material. Will any one say it was unwise to include an appropriation of the amount for such a proper purpose? My colleague, Mr. BLAND, who represents the capital district—always so careful and prudent in legislation—would not have warmly recommended it if it had not been in the interest of the Government. My colleague, Mr. HATCH, who represents the Hannibal district most faithfully, will verify the necessity and justice of the appropriation for making the building in Hannibal likewise fire-proof. I have no words of eulogy for my own city of Saint Joseph. She needs none.

There being no existing limit to the cost of the United States building in that city, we desire to make one. The Supervising Architect and the Secretary of the Treasury in their official reports have recommended to Congress that \$300,000 be appropriated as the cost of such building. The House Committee on Buildings and Grounds have unanimously reported to the House in favor of appropriations to that amount, and all these reports and recommendations were before your committee for action. In allowing what seemed to be so manifestly proper and so universally approved, the committee provided that the cost of the building should not exceed the amount stated.

Mr. COOK. Did you get anything in the bill?

Mr. BURNES. The gentleman from Iowa, representing a district which needs neither public buildings nor improvement—

Mr. BLOUNT. I would like to ask the gentleman from Missouri——

Mr. BURNES. I cannot yield even to my honored friend from Georgia. The gentleman from Iowa is not happy, evidently. His district needs nothing——

Mr. WELLER. I desire to correct the gentleman from Missouri——

Mr. BURNES. I do not yield. There are doubtless hundreds of gentlemen on this floor who are more competent than myself to represent my district and the interests of the Government therein ; but, notwithstanding, I have, perhaps, that right ; and those who know its varied interests, industries, and resources will sympathize with me in my feeble efforts to represent and protect them. Missionary service in its behalf by the able gentlemen from Iowa, New York, and Brooklyn is, in all kindness, appreciated, but commended as more appropriate at home.

[Here the hammer fell.]

FIRST SESSION,
FORTY-NINTH CONGRESS.

SPEECH UPON URGENCY DEFICIENCY APPROPRIATION BILL.

MARCH 5, 1886.

A DECLARATION THAT THE PUBLIC BUSINESS SHOULD BE TRANSACTED UPON BUSINESS-LIKE METHODS AND NOT BE AFFECTED BY PARTISAN INFLUENCES.

Mr. BURNES. Mr. Chairman, it will not be unprofitable, perhaps, to state to the committee that this is the urgency deficiency bill, consisting of eight items. It is not the regular deficiency bill, which is now in course of preparation, and which will contain all the deficiencies estimated for by the Departments and found by the committee lawful subjects of appropriations, in its judgment. I mention this fact for the reason that we have been compelled to go over the estimated deficiencies and select such as seemed to demand immediate attention. No items of deficiency not included in this bill are passed upon, either favorably or unfavorably, by our action on this urgent bill. Other items submitted to the Committee on Appropriations will be passed upon and presented in the regular deficiency bill, which I trust will be reported in the course of three or four weeks.

As I have already stated, Mr. Chairman, this bill contains eight general items, and I will call the attention of the committee to them severally: First is an item of \$589.65, "compensation of special agents of the independent treasury." We are advised by the Treasurer of the United States that in consequence of a defalcation which occurred last summer in the subtreasury at New Orleans it was necessary at considerably increased expense to proceed immediately to an investigation, which was special and extraordinary, in consequence of which this deficiency accrued upon the appropriation as of last year. This is a deficiency for the fiscal year ending June 30, 1885.

"Compensation for special agents of the Treasury for the examination of the remaining subtreasuries" is asked for to the extent of \$4,000. This is an estimated deficiency. The appropriation for the current year is now exhausted, and out of the nine subtreasuries there remain to be examined the subtreasuries at Philadelphia, Cincinnati, and Baltimore. These examinations are necessarily more expensive than they have been heretofore. We all understand that in consequence

of a complete change, or a change more or less complete, in the administration of the different Departments of the Government it has been necessary to be a little more careful and particular in these first examinations than perhaps will ordinarily be considered necessary. In addition to this, we are advised by the Treasury Department that a very large amount of silver has accumulated in the subtreasury, which makes the count more laborious and expensive. At all events, in consequence of these things, it is estimated that a deficiency appropriation of \$4,000 will be required to enable the Treasurer of the United States to make such examination as the law requires to be made of the subtreasuries of the country.

Perhaps I ought to say also that the labor of these examinations is usually performed by clerks already in the service of the Treasury Department. It is performed now mainly by them; but because the law requires also the examination of the books and accounts of the subtreasury and the manner of keeping the money therein it sometimes becomes necessary to employ expert accountants and also expert counters to assist them. The appropriation for this deficiency seems to be a necessity. At all events, the appropriation already made is exhausted, and three subtreasuries remain unexamined. With great confidence in the Treasurer of the United States, the committee has yielded largely to his judgment.

The third item is "for repairs of the Treasury building in Washington." For repairing of the roof of this building last year, which had become greatly injured, \$6,400 of extraordinary expenses were incurred, leaving but \$8,600 for usual expenses, uniformly estimated at \$15,000. We are now advised by competent practical mechanics that there are leaks in the roof; that extensive repairs to the building, inside and out, are a necessity; and that an appropriation now for these repairs may save an increased expenditure, and therefore an increased appropriation, which will be necessary if the work be delayed.

The next item is with regard to the propagation of codfish in the waters of the Gulf of Mexico, \$12,000. This, we may say, is a matter of experiment; but we have the judgment, experience, and integrity of the Fish Commission to guide us. In past years we have placed, as we now place, implicit confidence as well in the intelligence as in the integrity of the Commissioner; and I am proud to say that, so far as I know or have heard any expression of opinion, that confidence has been appropriately placed. At all events, he has commenced the transportation of codfish with a firm and fixed belief that they can be made to prosper in the Gulf of Mexico. Of course we understand that they are a valuable food-fish. Already the work has been commenced. It must cease unless this urgent appropriation is made, for the reason that whatever may be done must be done between now and the 1st or 15th of April at the latest. The question is simply, then, whether you will go on and finish the work commenced, of giving to the Gulf of Mexico and the waters flowing into it the benefit of this great food-fish. Your committee have been of opinion—I believe without controversy or dissent—that the work auspiciously begun should be carried on to completion.

The next item is for artificial limbs to wounded soldiers. I might in this connection profitably call the attention of the appropriate committee to the fact that the laws with reference to this subject need amendment. In my judgment, and in

the judgment I doubt not of many others who have examined the matter, abuses have crept or are likely to creep into this service. We find, strange to say, that although the war has been over for twenty years, the list of recipients of this provision for the wounded soldiers has greatly increased—from 6,000 in 1870 to nearly 19,000—and within the last quinquennial period the increase has been from 16,000 to nearly 19,000.

It is not my purpose, however, to do anything more than call attention to these laws. We propose to appropriate under the law as we find it. We find that already nearly five hundred applicants for either artificial limbs or for commutation allowed under the laws have not been supplied with the one or the other, as they have a just right to be; and the failure has been for want of money. The appropriation is exhausted. Five hundred applicants are clamoring for what is due them, and they need it. We ask an appropriation in this bill of \$175,000 for the remainder of the fiscal year. We have been advised that probably \$200,000 will be required for this service, but upon a careful estimate I believe the committee unanimously agreed that \$175,000 will meet the requirements of all the soldiers entitled either to artificial limbs or to commutation therefor. We have, therefore, reported an appropriation of that amount.

I next call attention, Mr. Chairman, to the items of appropriation with regard to the jurors' fund and witnesses' fund in the United States courts. The fund for witnesses is exhausted. That for jurors has been reduced during the last month from \$60,000 to about \$29,000, the amount now on hand. It will be perceived, therefore, that if from January 30 to February 28 the expenditure for jurors was nearly or quite \$30,000, the courts, now beginning their spring terms everywhere over the country, will necessarily expend more than \$30,000 a month; so that by the close of the present month there will be no money in the jurors' fund. In consequence of this condition of affairs we have been asked to make, and in this bill have reported, an appropriation for \$50,000, which we trust will be sufficient for the remainder of the current year.

Mr. HISCOCK. How much was the appropriation for the year?

Mr. BURNES. The appropriation was \$400,000. The estimate last year was \$450,000.

Mr. MCCOMAS. Five hundred thousand dollars.

Mr. BURNES. I thank my colleague on the committee; I should have said the estimate was \$500,000, and the appropriation \$450,000.

Mr. HISCOCK. Then you have in this bill given the amount really estimated for.

Mr. BURNES. Just the \$50,000 included in the estimate of last year.

Mr. HISCOCK. Is there any explanation why it was not appropriated for last year?

Mr. BURNES. I will say to my friend from New York but for the extraordinary expenses attending the execution of the laws in certain portions of the country, notably, I may say, in the Territory of Utah, this deficiency would not have occurred. I believe the appropriation was amply sufficient for the ordinary service of the courts of the country; but, as my friend from New York knows we

have had extraordinary expenses in several places, and especially, as I have already stated, in the Territory of Utah.

Mr. HISCOCK. The point I desire to make, if the gentleman will pardon me, is that now the amount estimated for is the amount you really intend to give.

Mr. BURNES. Yes, sir; the effect is to give the amount estimated for last year.

We have also reported, Mr. Chairman, an appropriation of \$135,000 for witness fees in the United States courts. This, I regret to say, is an increase over the estimates of last year.

Mr. HISCOCK. How much did you appropriate last year?

Mr. BURNES. For the current year, \$550,000.

Mr. HISCOCK. You cut down the estimate how much?

Mr. BURNES. Sixty thousand dollars.

Mr. HISCOCK. Oh, no; you cut it down \$100,000.

Mr. BURNES. Excuse me, the estimate was for \$610,000. We cut it down \$60,000, making it \$550,000.

Mr. HISCOCK. I thought you cut it down \$100,000.

Mr. BURNES. No, sir; I will give the gentleman the figures. The estimate was \$610,000 and the appropriation was \$550,000. The appropriation for 1885 was \$600,000. The ascertained deficiency, which we have not put into this bill, because it was not regarded as urgent, is \$15,000. So the appropriation for 1885 of \$600,000, with the ascertained deficiency of \$15,000, my friend from New York will perceive, will amount in all to \$615,000 as the amount expended. If this bill should pass with this item in it it would be \$685,000 for the current year, as against \$615,000 for the preceding year.

Mr. HISCOCK. So far as this item is concerned, then, this bill vindicates the good judgment of the officer who made the estimate for the service for this year.

Mr. BURNES. Mr. Chairman, I have been so accustomed in the transaction of purely business matters, whether of a public or a private character, to look alone to just business principles and considerations that I am almost untutored in the art of looking beyond them for political influences or party advantages. I will say, however, to my distinguished friend from New York, with all the great respect so justly due him, that the deficiency in this case is caused by an abnormal state of things—I had almost said by abnormal proceedings—in the courts of the Territory of Utah. There has been an increase of expenses extraordinary in the courts of Utah, and I may say unexpected, that no wisdom could have foreseen and provided against, whether that wisdom was in the head of a Republican or in the head of a Democrat. But for these extraordinary expenses the appropriation for the current year would have been ample, in my humble judgment, for this service; but in consequence of these extraordinary expenses incurred in pursuing existing laws with reference to that Territory, we have been compelled to provide for this deficiency as estimated by the Department of Justice.

Mr. Chairman, I come next to the consideration of the remaining item in this urgent deficiency appropriation bill, and I beg gentlemen to believe that if I say

anything that is not strictly in accordance with the necessities of a business consideration of any proposition I do not intend it. At the same time I have necessarily to allude to gentlemen high in the Navy Department.

Mr. HISCOCK. I suppose the gentleman has the item before him, and I would like to know what was the estimate last year in regard to artificial limbs?

Mr. BURNES. In regard to the artificial limbs the estimate was \$550,000 and the appropriation \$400,000.

Mr. HISCOCK. You cut down the estimate \$100,000.

Mr. BURNES. Let me recall to the gentleman's recollection the remark made by me when I first took the floor.

Mr. HISCOCK. You have here exceeded the estimate \$25,000.

Mr. BURNES. I understand the drift of the gentleman's inquiry. Let us be fair to each other.

As I stated in my opening, and as I doubt not every fair-minded man on the floor will admit, we were surprised that instead of an anticipated decrease in the expense under the beneficent laws for the limbless soldiers of the country there has been a substantial and unexpected increase of 20 per cent. in the last five years. Considering the fact that deaths must be numerous, and that twenty-one years have elapsed since the close of the war, we could see no reason in committee, and I can see none now, for an increase in the number of gentlemen who should have the relief that is afforded by this item of appropriation.

Mr. CANNON. Will my colleague yield to me here?

Mr. BURNES. Certainly.

Mr. CANNON. I desire to call attention to the fact that a reason for this was given by the officials of the Surgeon-General's Office to this effect: Some gentlemen on that side, either of the House or of the Senate, a year or two ago were very anxious, and I do not say improperly so, to have the lists of pensioners published to the country, and they were published in four or five volumes. I think it was a proposition which was advocated at great length by the then and now Senator from Kentucky [Mr. Beck], and the publication of that list has given the claim agents throughout the country the names of these men, and they have flooded the country with suggestions that the pensioners were entitled to artificial limbs or commutation therefor, and many of them are now for the first time making application; and that is about the only good I have ever heard resulting from the publication of these four or five volumes.

Mr. BURNES. I have no question with my friend and colleague on the committee as to the matter of which he spoke. I have no doubt that his statement is founded on due and proper investigation and inquiry as to that branch of the subject; but I have not found it necessary to inquire into that matter. Whatever was the result of legislation upon the subject mentioned by my distinguished friend and colleague on the committee, it will not now be discussed by me; but I can add justifiably that the distinguished and able Senator from Kentucky who has been alluded to has done so much of valuable legislation for the country he can well afford to make now and then a mistake, if he has made any.

Now, Mr. Chairman, passing from these items, let us approach the consideration of another question as Representatives of a business people.

On the 20th day of December, 1882, during, I believe, the Forty-seventh Congress, the naval advisory board having been called upon to sit in judgment upon the propriety of building four new steel cruisers, made an official report to this House and to Congress, not only in favor of building these four cruisers, but adjudging the cost and fixing a limit thereto. They estimated that the four would cost, and ought to cost, \$4,099,304—that is to say, \$1,576,854 for the Chicago, \$1,031,225 for the Boston, a like sum for the Atlanta, and \$460,000 for the Dolphin.

Subsequently, on January 15, 1883, the same board made what they called a "corrected estimate" with regard to the cost of the Chicago, the largest of the four vessels, and by this "corrected estimate" the cost of the four vessels was decreased to the extent of \$77,770. I shall take no further notice of this "corrected estimate," for the reason that, perhaps, after all it has no bearing on any question necessarily involved by this bill.

On the 3d of March, 1883, at the close of the Forty-seventh Congress, what was called the "Robeson act" was passed into a law. That act contained these words:

And the Secretary of the Navy is authorized to construct said vessels—

Meaning the Chicago, Boston, Atlanta, and the Dolphin—

and procure their armament at a total cost for each of the same not exceeding the amount estimated by the naval advisory board.

By this same act \$1,300,000 were appropriated in gross for the commencement and prosecution of the work. Subsequently, on July 7, 1884, \$2,150,099 were appropriated; on March 3, 1885, \$162,340 were appropriated; and subsequently a sum, found in the construction fund, under the act of August 5, 1882, amounting to \$40,162, was applied to the same expenditure. The present bill for the armament of these cruisers carries an appropriation amounting to \$251,863, and all of these make a total aggregate appropriation for this purpose to date of \$3,904,464. As you will observe, the balance between the amount thus appropriated and expended and the amount estimated by the naval advisory board to complete the four cruisers is \$194,840. I feel it my duty, Mr. Chairman, to say that there can be no question but that further deficiencies will come from the Navy Department before these vessels are finished. I wish the House to understand the proposition: I put upon record the above guess, and when I say guess, I mean guess; and I defy any gentleman upon this floor to do more than guess with reference to the past or future purposes or expenditures of the bureaus of the Navy Department.

Mr. HISCOCK. Do I understand the gentleman from Missouri to prophesy that under the present administration there may be deficiencies in the Navy Department which will require to be provided for?

Mr. BURNES. As I will show my friend from New York before I conclude, it is inevitable—no matter what party is in control of the Government, or what indi-

vidual is at the head of the Navy—it is inevitable that, in order to finish these vessels under existing methods, large sums of money, over and above the estimates of the advisory board, must be appropriated in the future.

In order that I may be understood on this proposition, let me say that from the examination and investigation made we find the little Dolphin, estimated to cost \$460,000, is finished, or practically finished. There are a few things, we are told, yet to be done, the nature of which I do not know, neither does anybody else; but there is something to be done; but the Dolphin is afloat and practically finished. The Atlanta, it is said, is nearly completed. Now, you know what that means as well as I do. The Atlanta is nearly completed. The Boston will be finished, we are led to guess, say by July next. "It is in a good and advanced state." The work "is progressing favorably and promptly," and let us hope, energetically; but it is not yet finished and will not be, perhaps, before the beginning of the fall, although we have some opinions that it will probably be finished during this fiscal year.

The Chicago is at least a year behind the Boston—that is to say, there is a year and three or four months' work yet to be done before the Chicago can be completed so as to receive her armament and move out upon the waves of the ocean.

If we will go to the Bureau of Ordnance we find that the estimates of the naval advisory board for the completion of the armament of the four vessels was \$592,304. There have already been appropriated and expended \$580,250. That would leave, as you observe, \$12,054 yet on hand to be expended for the completion of the naval armament of these ships; but it is estimated, and it is but an estimate, that to complete this armament \$343,000 will be required. Admitting that this estimate is a reliable guess, and that we shall be called upon for no more than the \$343,000, you will observe that the armament alone, which was estimated by the naval advisory board at \$592,304, will have cost \$923,250.03.

Now, if the armament alone is costing us 58 per cent. more than the estimates, you may make the calculation for yourselves as to the cost of the four cruisers complete; or rather, if you are not fond of attempting the impossible, you may make a simple guess, which will do just as well, in my judgment, as a calculation.

Mr. CANNON. Will the gentleman allow me for a moment?

Mr. BURNES. Certainly.

Mr. CANNON. The armament has been greatly changed and improved, and has cost more than was originally estimated; yet my friend from Missouri will recollect we did not investigate touching the cost of the cruisers proper, and that in fact their construction was let by contract and at a very cheap rate; and as to whether the amount of contract would be exceeded, I am sure I am not informed by any investigation I have made. Is the gentleman from Missouri?

Mr. HISCOCK. When did the expenditure for the armament commence?

Mr. BURNES. It commenced immediately on the first appropriation of March 3, 1883.

Mr. HISCOCK. How much has been expended to the present time?

Mr. BURNES. Five hundred and eighty thousand two hundred and fifty dollars; \$234,000 were immediately obligated on the passage of the bill of March 3, 1883.

Mr. HISCOCK. When was the balance expended?

Mr. BURNES. As some of my friends seem to misunderstand the proposition, I may as well explain it now as at any other time. The Secretary of the Navy allotted to the different bureaus certain sums of money; to the Bureau of Ordnance, \$234,000; and, in the language of the chief of the bureau, immediate obligations to the amount of \$234,000 were incurred.

Mr. HEWITT. That is true; but the money was not expended.

Mr. BURNES. So that while \$234,000 had been set apart for this bureau to be expended, obligations were immediately incurred covering the whole amount so set apart; and if I allude to another matter in this connection my friend from Illinois [Mr. CANNON] will not consider me partisan, for he knows I do not want to be, especially in the consideration of this bill. I am just as ready to hit a head on the one side as the other in discussing a purely business proposition. Strange as it may seem to you, Mr. Chairman, no sooner had this \$234,000 been allotted to the Bureau of Ordnance, and no sooner had it been immediately covered by obligations, than the Secretary with one hand allotting it and allowing the obligations to be incurred, with the other drew out \$195,000 of it for other purposes. I simply state this as a fact, not because the late Secretary of the Navy was opposed to me in politics, but because it is a fact that ought to be stated, criticised, considered.

Now we come to the business proposition remaining. We sought, after days of labor, to eliminate from this estimate of \$343,000 everything that would not be actually necessary during the present fiscal year, and all the items reported in the bill are believed to be necessary for the continuation of the work. The foreign bills must be paid. Vouchers have been issued; the credit and honor of the country are involved, as well as its best interests. Under a system of book-keeping that pays out of one fund to be reimbursed by another they may have been provided for abroad; but in any event we find due to foreign creditors of the Government, for the armament of the cruisers, \$37,294.84, and we are simply bound to pay them. There is no escape from it.

We then come to the next item, amounting to \$138,713. These are items which we may call domestic bills—obligations of the Government to different establishments in Boston, West Point, &c., and to different parties who are furnishing material or are doing work for the Government. There are \$138,713 of these domestic bills.

We might as well pay them now as at any other time—they have to be paid, they ought to be paid—because when we have our agent, whether he be the Secretary of the Navy or the Chief of the Bureau of Ordnance, who contracts these obligations and places the duty upon us to pay them, we are bound to discharge such obligations to our fellow-citizens or return to them the labor and material we have received from them. But of this \$138,000, after a calculation or estimate made in consultation with the chief of the bureau, we found that only \$89,483 of the amount need be appropriated during this fiscal year; so that instead of appropriating the whole sum, \$138,000, which will have to be appropriated during the next fiscal

year, we propose to appropriate at this time only \$89,483. These two items aggregate what we owe at home and abroad on account of the Bureau of Ordnance.

Then comes an estimate of \$130,913 for labor in the navy yard at Washington and for the materials necessary to be used in profitably employing that labor. We have gone through the estimate, and we believe it is indispensably necessary to make this appropriation at once, so that this work may go forward. It may be as well to state that between two hundred and three hundred men have been thrown out of employment for want of this appropriation, and it will be a benefit to the Government to re-employ those same men, many of whom are skilled workmen, and must very shortly seek employment elsewhere unless we make an appropriation to justify their re-employment at the navy yard. We think, therefore, that this item should be allowed without any sort of question.

I wish now to call attention to the state of the work on the guns, as gentlemen may desire to know how far it has progressed. There are to be in all for the four cruisers twenty-one 6-inch guns, eight 8-inch guns, and two 5-inch guns. Of the 6-inch guns seven are completed and fourteen about half completed. Of the 8-inch guns none are finished; one is nine-tenths done, two are three-quarters done, one is five-eighths finished, and eleven are not commenced. The two 5-inch guns are completed. There has been no test of the guns, certainly no statutory test, but there has been a large amount of practical unofficial firing. Of the gun-carriages, one for the 8-inch guns is nearly finished, one for the 8-inch guns is five-eighths finished, six for the 8-inch guns are scarcely commenced; seven for the 6-inch guns are half finished, and fourteen for the 6-inch guns are completed.

Thus I have given you the present condition of the guns and the gun-carriages, which are of course large items of expenditure. You will observe in the report that there is a large amount appropriated for powder. In view of the fact that the powder has to be manufactured in the spring, on account of temperature, it was deemed necessary to retain the item providing for this expenditure.

Thus, Mr Chairman, I have gone through the different items in this bill, and I have attempted to do it in a fair, business-like manner, without any sort of reflection upon the friends of either side of the House, or of either party represented here; but I beg to say that, in my judgment, there is an immense amount of work for the Naval Committee of this House to do, and they should do it regardless of all consequences if they desire to prevent, as I am sure they do, vast and profligate expenditures of the people's money by some of the seemingly unrestrained and ungoverned bureaus of the Navy Department.

Mr. BUTTERWORTH. Did the gentleman state where those guns are being manufactured?

Mr. BURNES. At Boston and West Point.

Mr. HISCOCK. Before the gentleman sits down I wish to ask him this question: With this House, which originates the appropriations, in sympathy with the administration, do you think there will be any trouble in the future in so making appropriations that it will not be necessary to provide deficiencies? Is there any doubt about that? We have been for a long time hoping that we might reach that point, and I have frequently heard the declaration made upon this floor that no deficiencies ever ought to be voted.

Mr. BURNES. Mr. Chairman, allow me to say that the appropriation made for the building of these cruisers was exceedingly unguarded and unbusinesslike. It was an appropriation of \$1,300,000, to be expended without placing the responsibility upon any particular head or any particular bureau. It was an appropriation that left it within the power of the Secretary to put the money in one bureau, and then draw upon and expend it in another bureau. In the appropriation of July 7, 1884, when \$500,000 were appropriated, we improved upon the original appropriation by providing that that should finish the armament, and indeed we had an estimate at that time that \$500,000 would suffice to finish it; yet you see it lacks \$343,000 of being sufficient. Other restrictions beneficial would have been thrown around it, perhaps, but for the well-known hostility of the other branch of Congress to such limitations.

But we have steadily improved in our modes and methods of appropriation, and from the date of the Robeson bill down to the present hour our legislation, under the direction and guidance of the Appropriations Committee of this House, has been a vast improvement upon the legislation that preceded it, so far as my limited ability and hours of labor have enabled me to investigate and determine.

More definitely answering the interrogation of the distinguished gentleman from New York [Mr. HISCOCK], I would say that there will always be trouble, and great trouble, in making appropriations so that no deficiency will occur. It is not sufficient to prevent deficiencies or other evils that the House is in sympathy with the administration; if both branches of Congress were in such sympathy the millennium of perfect appropriation bills might be said to be at hand. It is well known that many of the perfect forms of appropriation originating in this House have been relentlessly mutilated and disfigured in the other end of the Capitol.

Mr. CANNON. Mr. Speaker, I will occupy a moment in reference to this appropriation for armament, to which the gentleman from Missouri [Mr. BURNES] has just called attention. I agree with him as to the amount necessary to continue the work on the armament for the balance of the fiscal year. I do not, however, agree with him in some of his statements concerning the cost of the cruisers, including the armament. True, the committee in preparing this deficiency bill did not make as full inquiry as they probably will later touching the total expenditures made or hereafter to be made for the completion of the cruisers in every respect. Suffice it to say, however, that upon turning back to the act which the gentleman read—I call his close attention to it—the act authorizing these cruisers of March 3, 1883, we find that the sum of \$1,300,000 was appropriated at that time in bulk for the commencement of the work upon the cruisers; and we find in that act this clause:

For the construction, &c.—

Mentioning the vessels—

as recommended by the naval advisory board in its report of December 20, 1882, \$1,300,000. And the Secretary of the Navy—

Now mark the language—

is authorized to construct said vessels and procure their armament at a total cost for each not exceeding the amount estimated by the said naval advisory board in said report, and to place the same under contract.

Mr. BURNES. Mr. Chairman, I desire to remind my colleague on the committee that the Chief of the Bureau of Ordnance advised us that under that very provision of the statutes an opinion had been given by the Secretary which left the whole matter in doubt as to whether it referred to each one of the different kinds of appropriations or was an appropriation as an entirety.

* * * Mr. BURNES. I now ask that the bill be read for amendment under the five-minute rule.

The Clerk read as follows :

For payment of foreign and domestic bills, for which vouchers have been issued and approved by the Bureau of Ordnance, for the armament of the new steel cruisers, \$37,294.84, or so much thereof as may be found necessary.

Mr. HEWITT. I move to strike out the last word for the purpose of putting a question to the gentleman from Missouri [Mr. BURNES], in charge of this bill. I wish to inquire whether the Ordnance Bureau of the Navy Department has incurred debts on behalf of the United States in advance of an appropriation and, if so, under what authority these debts have been incurred, and whether the statute as it now stands permits an officer of this Government, in advance of an appropriation, to incur a debt on behalf of the United States?

Mr. BURNES. In answer to my friend from New York, I will repeat a statement I have before made. The Secretary of the Navy after allotting \$234,000, which was immediately covered by obligations, withdrew \$195,000 of the money thus covered by obligations and used it for other purposes. It will be perceived that the obligations were contracted upon the basis of the allotment, and the gentleman may say the withdrawal of the money after the allotment was illegal, or irregular, or inappropriate and unfair. The \$500,000 appropriated in July, 1884, exclusively for armament, were sufficient to save the Department from any necessity of violating the law, if it were applied as the law required; but if the \$195,000 improperly taken from the bureau after allotment were replaced out of the \$500,000, then the law, in my opinion, was doubly violated. If, as claimed by the Bureau of Ordnance, the \$195,000 were not replaced out of the \$500,000 appropriated, then I presume the violation of law may be considered as confined to the transaction of withdrawing the \$195,000 from the bureau after obligations covering it had been incurred.

Mr. CANNON [in reply to Mr. HEWITT]. I will say to the gentleman that the expenditure he now speaks of was made under this administration, within the last twelve months.

Mr. RANDALL. I do not think the statement of the gentleman from New York is correct, because the second appropriation was in the line of the first, to get guns for these four vessels; and the natural and right thing to do was, if they went beyond the limit of the law and involved the Government in expenditures, to pay that first.

Mr. BURNES rose.

Mr. HEWITT. It does not matter where it is made. I condemn it, and I ask the House to condemn it.

Mr. BURNES. Let me go a little further and fully answer the inquiry you made. After this transaction, when \$195,000 were taken from the Bureau of Ordnance, I call the gentleman's attention to the fact that in the appropriation of \$500,000 there was no provision that this \$195,000 or the obligations created thereon should be repaid.

Mr. HEWITT. Nor was it necessary.

Mr. BURNES. But in fact it was not repaid, nor any part of it. I say the wrong done was in recalling the \$195,000 after the allotment.

Mr. HEWITT. I wish to take issue in the most distinct manner with the statement of the gentleman from Missouri. I do not do it because I wish to antagonize him on this bill, but because I wish to lay the verdict of censure on this bad practice. When \$500,000 were made available to the Chief of Ordnance of the Navy Department it was his business to discharge the bills he encountered under that allotment. That was what he did. Out of the \$500,000 every dollar of the then existing obligation was paid, and if he had not then the money available to go on with his work, it was his business to come back to the House with an estimate and not expend a dollar until an appropriation was made therefor.

Mr. BURNES. The distinguished gentleman from New York, I believe, misconceives the law. This appropriation, made in 1884 for the current fiscal year, nor any part of it, could not be used in payment of prior expenditures. By express law it must be used in that current year for work and obligations incurred in that year.

Mr. BURNES. One word more and I am done. The gentleman from New York says as a matter of fact the \$195,000 were repaid out of the \$500,000. As a matter of fact, the Chief of the Bureau of Ordnance says it was not done. Very likely the gentleman from New York is the better informed of the two as to the fact. I simply report the fact to the House that the officials who did this thing say that out of the \$500,000 these \$195,000 were not repaid, and that that \$195,000 never was made good, nor the obligations based thereon paid.

Mr. HISCOCK. Does the gentleman say that the \$500,000 did not more than pay all the contracts outstanding? * * * The gentleman is defending the administration.

Mr. BURNES. I never defend wrong anywhere.

Mr. HISCOCK. No; I know you do not.

Mr. BURNES. Mr. Chairman, I move that the committee do now rise; and in making that motion allow me to say that I had fondly hoped that we could get through this discussion of business propositions without resorting to the political pyrotechnics to which some gentlemen seem always ready to resort on the shortest possible notice and without the slightest provocation. I regret it, sir, for a reason which I will state. Under former administrations it was never my fortune to meet a Democrat in service here. Our sympathy was never reached by the appointment of our brethren to important offices. With all their kindness and courtesy—for which I thank them—their attentions never took that form. I cannot defend them; and being down, although I fear not as fully out as we on this side could desire, I need not harass them.

In the Navy Department I have not found enough Democrats under the present administration to justify me in making a partisan appeal. Therefore I have simply contented myself with looking at the business aspect of these propositions. My motion is that the committee do now rise.

Mr. SPRINGER. Will the gentleman from Missouri [Mr. BURNES] withhold his motion for a moment while I correct a statement of my colleague from Illinois [Mr. CANNON]?

Mr. HOLMAN. Mr. Chairman——

Mr. BURNES. Mr. Chairman, I must insist upon my motion. As I have not yielded to the gentleman from Illinois [Mr. SPRINGER] I cannot yield to the gentleman from Indiana [Mr. HOLMAN].

Mr. BURNES. I move that the committee rise and report the bill to the House with a recommendation that it do pass.

Mr. BURNES' motion was agreed to, and the House finally passed the bill.

REMARKS ON LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

PROMPTED AT DISCONNECTED STAGES IN THE DISCUSSION OF THE BILL WHICH WAS UNDER THE CHARGE OF MR. HOLMAN.

JUNE 10, 1886.

Mr. HOLMAN. I desire to say just a single word. The tally clerk is an efficient public officer. His duties are almost entirely confined to the current sessions of the House. The committee thought that for the next year, which embraces the short session, \$2,500 was a very ample salary, more than \$800 per month for the actual time of employment. I ask for a vote.

Mr. BURNES. There can be no question but this amendment would have been sustained if a point of order had been made with regard to the provision in the bill. There can be no question but this amendment ought to be agreed to.

I submit, Mr. Chairman, here is a gentleman who at the commencement of the Forty-ninth Congress comes and takes a place, the salary of which is fixed by law—the current law of the land.

Mr. HOLMAN. An appropriation bill.

Mr. BURNES. Very well; it is a law, and is in the calf and in the sheep of the Printing Department of the Government. There is a law fixing the salary of the tally clerk at \$3,000 a year. Why was not this reduction made last year for the beginning of the Forty-ninth Congress? It might have been made then and this gentleman would not have been deceived; but he comes from his home and takes this position under a law that guaranteed him \$3,000 a year for the Forty-ninth Congress, and I say it is but little less than a fraud upon him to take from him for the remainder of the Forty-ninth Congress the salary which the law guarantees to him.

This is the view I take of the matter, and I think I am as much for reform and economy as any gentleman of the Appropriations Committee.

The amendment retaining the clerk's salary at \$3,000 was agreed to.

JUNE 15, 1886.

The Clerk read as follows :

Territory of Alaska: For salary of governor, \$2,600; judge, \$2,500; attorney, marshal, and clerk, \$2,500 each; four commissioners, \$1,000 each; four deputy marshals, \$750 each; in all, \$19,600.

Mr. BURNES. Mr. Chairman, I move to amend in line 1324 by striking out "twenty-six hundred dollars" and inserting "three thousand dollars;" also in lines 1325 and 1326, by striking out "twenty-five hundred dollars" and inserting "three thousand dollars." My reason for offering these amendments can be stated in very few words. The organic law establishing the Territory of Alaska fixes the salary of the governor and the salary of the judge of the United States court at \$3,000 each. Within the last few years two gentlemen have been appointed to those positions respectively, and have gone out a distance of nearly 5,000 miles to enter upon the performance of their duties with the understanding and expectation that their salaries should be as fixed by law. I submit, Mr. Chairman, that there is no gentleman on this floor who wishes a judge of a United States court to have his salary reduced to \$2,500, and I trust there is no gentleman here who desires that the governor of a great Territory shall have his salary reduced to \$2,600. Surely such reductions would not be creditable to the Congress of the United States.

Mr. BUTTERWORTH. There would still be a balance due them under the law.

Mr. BURNES. Yes, sir; they would have a valid claim, under the decision of the Supreme Court of the United States, for the difference between the amount at which their salary is fixed by the law and the amount appropriated; so that in any case we would make nothing by the reduction.

Mr. RANDALL. The salary under existing law is, I find, \$3,000; but the governors of the other Territories are paid \$2,600 a year, and I do not like to see the House make an exception in the case of Alaska. I do not think the duties of the governor of Alaska and the judge are so important as to justify any increase of their salaries beyond the amounts paid in other Territories. Indeed, I think they earn their salaries more by staying out there at all than by any duties they have to perform; but I am willing to submit the question to a vote.

Mr. BURNES. Does not the gentleman from Pennsylvania know that these two officers will have valid claims against the Government for the difference between their salaries as fixed by law and the amounts appropriated here?

Mr. RANDALL. I think they will not, when this bill becomes a law.

Mr. BURNES. The gentleman will find in the Statutes at Large the act establishing a territorial government in Alaska, a separate independent act, which fixes these salaries at \$3,000 each. Now I submit that under the law we are bound to pay these officers that amount.

The question was taken, and Mr. BURNES' amendment was disagreed to.

SENATE AMENDMENT TO THE FOREGOING BILL.

INCREASE OF SALARY OF ASSISTANT COMMISSIONER OF INDIAN AFFAIRS.

JULY 12, 1886.

Mr. BURNES. The history of this item of appropriation may be interesting. In order that it may be known to this Committee of the Whole House I invite special attention to it. When the original bill was reported by the distinguished gentleman from Indiana to the House it contained a provision precisely similar to the Senate amendment now before us. The Committee on Appropriations then thought that \$3,000 was the proper salary for the assistant commissioner of Indian Affairs, and so the gentleman from Indiana reported in the bill. It was the deliberate judgment of the Committee on Appropriations. It was the free, voluntary offering of the committee.

When the bill was considered in Committee of the Whole the item was ruled out on a point of order and the Indian Department was left without any assistant commissioner. Considered in the Senate, the item was restored and comes back to us as an amendment of that body in the precise words, I believe, originally adopted by the House Committee on Appropriations and reported to the House, as stated.

The assistant commissioner of Public Lands has a salary of \$3,000, and the original bill reported to the House contained an increase of such salary to \$3,250, with a chief clerk at a salary of \$2,250. The assistant commissioner of Patents has a salary of \$3,000, with a chief clerk at \$2,250. There are two assistant commissioners of Pensions, each of whom receives \$3,600, with two chief clerks, one at \$2,500 and the other at \$2,000.

The assistant commissioner of Indian Affairs is allowed no chief clerk. He performs all the duties of that office; all the duties of a chief clerk and nearly half the time the office duties of the Commissioner, who is required, necessarily, to visit Indian tribes and ascertain personally their condition and necessities. Why this inequality? It is admitted that this is one of the most important bureaus of the Government. Its distinguished head has made an honorable fame throughout the Republic, and surely his assistant commissioner should be as justly and liberally provided for as other officers of like grade. I am not an advocate of increased salaries, but I am of equality and justice.

There was a special Committee on Indian Affairs which went over the Western country last summer. They saw the necessity for this assistant commissionership and, if I mistake not, recommended its creation.

Mr. HOLMAN. Not at all.

Mr. BURNES. The Committee on Indian Affairs recommended it, I know, and I have before me their report upon the subject. My honorable friend from Indiana [Mr. HOLMAN], in reporting the original bill establishing this office and fixing its salary at \$3,000, must be held as committed to the propriety of both.

May I not, Mr. Chairman, with appropriate curiosity, inquire why my distinguished friend in charge of the bill now resists the Senate amendment, which is but an indorsement of the action of himself and the Committee on Appropriations? What new light has he had on the subject since he reported the original bill? Why was this salary placed at \$3,000, a month or so ago, and, indorsed by the Senate, is now regarded as \$500 too high?

Mr. HOLMAN. Mr. Chairman——

Mr. BURNES. The distinguished gentleman must please pardon me. A moment ago he would not yield to me. Why should the indorsement of the Senate make us distrust our own original judgment? I cannot believe that the distinguished gentleman from Indiana has taken fright by reason of such indorsement of his original provision.

Personally I care nothing about this matter, and have but a slight personal acquaintance with the gentleman upon whom the duties of this new position are likely to fall, but I am quite sure he is entitled to and will receive justice and equality of compensation with other officials of the same rank and service. The fact that he is a Tennessean will not be regarded by this committee as sufficient justification for an inadequate or inferior salary.

The motion to concur in the Senate amendment was not agreed to.

DEBATE ON GENERAL DEFICIENCY APPROPRIATION BILL.

JULY 2, 1886.

[A MEASURE IMPARTIALLY, EQUITABLY, YET VIGOROUSLY MANAGED.]

Mr. BURNES. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

The motion was agreed to.

Mr. BURNES. I ask unanimous consent to dispense with the first formal reading of the bill.

There was no objection.

Mr. BURNES. Mr. Chairman, this is a bill of ten or twelve thousand items, and I am unable to see any ground for a general debate upon it. I ask unanimous consent, therefore, that we proceed to the consideration of the bill by sections under the five-minute rule.

Mr. McCOMAS. With a single understanding, I readily agree with the purpose of not having general debate; but there are here and there in the bill special subjects whereon there should be very brief discussion, and with the understanding that my colleague in charge of the bill will permit upon these several items when reached a short debate, if desired, I shall assent to his request.

Mr. BURNES. The request of my colleague from Maryland is eminently fair,

and in that spirit of fairness that characterizes him I feel sure that he will make no unreasonable demands.

Mr. REAGAN. Is it to be understood as agreed upon that there shall be this privilege of general debate at any time in the bill without specifying the items?

Mr. BURNES. It relates to items that are not in the bill rather than to items we recommend in it. All debate, of course, will be under the five-minute rule.

Mr. BRAGG. Before unanimous consent is given I desire to state to the House——

Mr. BURNES. I understand the gentleman from Maryland desires debate under the five-minute rule.

Mr. BRAGG. There are certain amendments, all of which will be covered by one discussion, which my colleague upon the other side of the House, from Wisconsin, and myself desire to make to this bill; and I am unwilling to consent that there shall be no general debate on the bill, unless it be understood that we have debate, if we desire, not to exceed thirty minutes, upon that branch of the bill.

Mr. BURNES. I think it but fair to say to the committee that the gentleman from Wisconsin ought to be allowed thirty minutes upon the item of amendment which he proposes to offer to the bill, and I have no objection, if the committee will assent, that he shall have thirty minutes, if he desires it, upon that point. That debate may be had at any time to suit his convenience, after we get through with the bill or before.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri as stated? The Chair hears none.

The Clerk proceeded to read the bill and reached the provisions under the head of "Department of State."

Mr. CANNON. I understand that these items of deficiency for the State Department will be passed over with an agreement to return and insert amendments in the proper places. I have no objection to that if the gentleman desires it; otherwise I shall desire to offer an amendment to follow line 28 of the bill.

Mr. BURNES. I will answer my colleague by saying that in the latter part of the bill there are some items of appropriations for the State Department, and that his amendments can as well come in there as here. I have no objection that he shall introduce them at that place.

Mr. CANNON. I do not know of any place but the first part of the bill where these items would be apt. This is the proper place to present them, and I prefer it here.

Mr. BURNES. I would suggest to my colleague, on page 111 of the bill, for instance.

Mr. CANNON. I would prefer that we pass these items over for the present. The amendments to which I refer more legitimately belong here, and when my friend from Ohio [Mr. BUTTERWORTH], to whom I understand the courtesy of passing this over is to be extended, returns, then the amendments may be offered.

Mr. BURNES. I will consent to pass over these items for the State Department, to return to them hereafter.

Mr. CANNON. To return to them when Mr. BUTTERWORTH returns from the committee of conference?

Mr. BURNES. Yes, sir.

The CHAIRMAN. The Chair hears no objection to this arrangement.

The Clerk read as follows:

Naval Academy:

For deficiency in appropriation for expenses of the Board of Visitors to the United States Naval Academy in June, 1885, \$363.61.

Mr. BURNES. I desire to call the attention of my friend from Illinois to the paragraph which has just been read.

Mr. CANNON. Well, I do not know, Mr. Chairman, that I can shed any more light on that clause than the gentleman from Missouri himself. I think that there are some documents, perhaps some papers, that the gentleman from Missouri has by his side which may furnish the necessary light, and he can use them, if he desires, better than I.

I believe that a criticism upon, or rather an explanation of, that item, for the particular item is all right, would come more aptly from him than from myself, because if I were to make it, it might perhaps be held that I was guilty of partisanship; and as the expenditure was made which led up to this deficiency under the present administration, and being an expenditure which, I think, he and I both agree was largely uncalled for, I will leave to the gentleman from Missouri the explanation of the same.

Mr. BURNES. I wanted to call the attention of my colleague to the paragraph for the reason that it seems to me he is much more delighted with speech or a chance of speech than myself. I felt that it was the duty of one or both of us to call the attention of the committee to this item, and I shall not hesitate to do so.

The committee is aware that we annually, I believe, send a Board of Visitors to the Naval Academy at Annapolis. Three of that board for this year were members of this House. No blame can be properly attached to these gentlemen, nor can any charge against either one of the Representatives be made. They knew nothing about the matter to which I now desire to call attention—nothing whatever. It did not come under their observation. They were entitled to mileage for going to Annapolis and returning. Fifteen hundred dollars were appropriated to pay the expenses of the Board of Visitors, including mileage to and from Annapolis. The mileage amounted to some \$360.

That \$1,500 so appropriated was spent in riot and debauchery or worse; not riot and debauchery on the part of the members of the House and Senate who attended the exercises at Annapolis, but on the part of the disbursing officer, who expended the \$1,500 without paying one cent of the mileage due to the members of Congress who attended; and now he comes and asks that this deficiency be approved. The \$1,500 is gone and \$360 additional is required, which latter amount was justly due to the members of the House and Senate who attended to and discharged faithfully the duties for which they were selected. I repeat, they knew nothing of the expenditure, and I now ask the Clerk to read a list of the items of expenditures submitted by this disbursing officer.

The Clerk read as directed.

Mr. DINGLEY moved the following amendment :

Provided, That no part of this sum, or of any other appropriation by Congress for the expenses of the Board of Visitors, shall be used to pay for intoxicating liquors.

Mr. LORE. I desire to say, Mr. Chairman, in reference to what has been stated by the chairman of the Committee on Naval Affairs, that the effect of the provision in the naval appropriation bill will be that no man will accept an appointment on the Board of Visitors to go to Annapolis. As it has been in the past, there has been an appropriation of \$1,500, so much money in hand, and with that money proper accommodations have been provided for visitors; but the provision now in the naval bill will compel them to go out and find board at a hotel or elsewhere, as best they may, in the city of Annapolis, which is greatly crowded at that time and where there is very inadequate hotel accommodations.

Mr. BROWN, of Pennsylvania. Better move the academy up to Newport.

Mr. LORE. Move it where you please, I do not believe that any gentleman will accept an appointment to go as Visitor to Annapolis and go round seeking to find accommodation upon such a sum of money as is allowed here. I think a great Government like ours when it sends a Board of Visitors to either of these national academies ought to provide decent accommodation for them while they are there.

Mr. BURNES. I desire to read the paragraph in the last appropriation bill by which \$1,500 was appropriated. It is—

For expenses of Board of Visitors to Naval Academy, \$1,500.

Now I will call attention to the law authorizing the appointment of this Board of Visitors. It is a provision in the act of February 14, 1879 :

That from and after the passage of this act there shall be appointed every year, in the following manner, a Board of Visitors, to attend the annual examination of the academy: Seven persons shall be appointed by the President, and two Senators and three members of the House of Representatives shall be designated as Visitors by the Vice-President or President *pro tempore* of the Senate and the Speaker of the House of Representatives, respectively, at the session of Congress next preceding such examination. Each member of said board shall receive not exceeding 8 cents per mile traveled by the most direct route from his residence to Annapolis, and 8 cents per mile for each mile from said place to his residence on returning.

Now, Mr. Chairman, as it has been suggested that the accounting officers of the Treasury Department have passed upon the bill the items of which have been read, I desire to have placed upon record a letter from the acting Secretary of the Treasury to the chairman of our committee.

The Clerk read as follows :

TREASURY DEPARTMENT, June 5, 1886.

SIR: I have the honor to forward herewith an itemized statement of the expenditures made from the appropriation for expenses of Board of Visitors, Naval Academy, for the last fiscal year, prepared by the Fourth Auditor in response to your telegram of the 4th instant.

Respectfully yours,

C. S. FAIRCHILD, *Acting Secretary.*

Hon. SAMUEL J. RANDALL,

Chairman Committee on Appropriations, House of Representatives, United States.

Mr. BURNES. I hope that now the debate on this paragraph will close.

Mr. SPRINGER. I hope the gentleman from Missouri [Mr. BURNES] will state who audited the bill which has been read.

Mr. BURNES. It has not been audited by anybody.

Mr. SPRINGER. Then who incurred those expenses?

Mr. BURNES. That report of expenditures comes, I understand, from the quartermaster of the United States Navy at Annapolis.

Mr. SPRINGER. Can you give me his name?

Mr. BURNES. I cannot.

Mr. SPRINGER. I would like to put it "on my list."

Mr. BEACH. He "would not be missed." [Laughter.]

Mr. BLOUNT. Mr Chairman, I move to strike out the last word for the purpose of asking the gentleman from Missouri a question as to the character of the amendment which has just been adopted. As I understand from him, the item of expense that is herein provided for is simply for the mileage of the Board of Visitors to Annapolis which has not been paid, amounting to some \$360?

Mr. BURNES. That is its object.

Mr. BLOUNT. The amendment of the gentleman from Maine provides that no part of the money herein approved for expenses of the Board of Visitors shall be used in payment for intoxicating liquors. Is not that simply a declaration which goes to the effect that that money, the \$360, shall not be used to buy any wines or liquors with?

Mr. BURNES. In answer to the gentleman from Georgia I will state that this item is expressly provided here to pay three members of the House their mileage for visiting the academy at Annapolis, and this amendment has no place here whatever. Of course it is just thrown in for the purpose of giving gentlemen a chance to express their feelings and opinions on the whisky question.

Mr. BLOUNT. The only effect of it, if it be operative at all, then, would be upon the gentlemen who get this money in their pocket that they shall not use it to pay for wine or liquor?

Mr. BURNES. Of course that is all it does.

Mr. REAGAN. But how does it happen, let me ask the gentleman, that they have a liquor bill there to be settled?

Mr. BLOUNT. That is not my question at all. The language of the amendment is that no part of the money herein appropriated shall be used for paying for wines or liquors for any Board of Visitors.

Mr. BURNES. It cannot operate.

Mr. BLOUNT. Of course it has no operative effect whatever.

Mr. ALLEN, of Mississippi. I move to strike out the last word.

I desire to ask the gentleman from Missouri if the amount originally appropriated has been used by the officers in charge of this appropriation——

Mr. BURNES. I understand the gentleman's inquiry to be——

Mr. ALLEN, of Mississippi. I have not completed it. The question I desire to ask is: Has the amount that was originally appropriated for the expenses of the Visitors to Annapolis been expended; and, if so, was it expended, or any portion

of it, in purchasing intoxicating liquors for the Visitors ; and, if so, is there any way to make the persons who did it responsible for expending it in that way instead of expending it in the payment of mileage ?

Mr. BURNES. I would suggest, in answer to my friend from Mississippi, that the report goes to show that \$1,863.61 were expended by this quartermaster for the expenses of this visiting board, and that \$363.61 of that sum remain unpaid for the mileage of three members of this House who made that visit. Now, according to the quartermaster, he has not only expended the \$1,500 but needs \$364 more to complete the performance.

Mr. McMILLIN. Has the committee the items of the account for that \$1,800 ?

Mr. BURNES. The items have been read from the desk.

Mr. REAGAN. Has the liquor been paid for ?

Mr. BURNES. It has not been paid for and will not be paid for until the account of this officer has passed through the regular channels and been approved and gone to the accounting officers of the Treasury and been allowed there.

The *pro forma* amendment was withdrawn, and the Clerk read the paragraph under the heading "Marine Corps."

Mr. CANNON. I offer the amendment which I send to the Clerk's desk.

The Clerk read the amendment, the same being for transportation, recruiting, marine corps, etc.

Mr. BURNES. I make the point of order on the amendment. I submit, first, this is an expenditure in excess of any appropriation of which I have any knowledge. Secondly, it is a claim which is unascertained by any authority under this Government. It is true it is reported to us by the authorities of the Navy Department ; it is not true there has been any such accounting or settlement or disbursement as leaves this amount a proper thing to be appropriated for. In other words, it is a claim and ought to go before the Committee on Claims.

Mr. HOLMAN. And, Mr. Chairman, it is not germane to this bill.

The CHAIRMAN. The Chair, after argument, is inclined to think that the amendment is in order, but will hear the gentleman from Missouri if he desires to be heard further on the point.

Mr. BURNES. I do not.

The CHAIRMAN. Then the amendment will be considered in order.

Several paragraphs were adopted without opposition, when the Clerk, continuing, read as follows :

Ship, steamboat, and way letters : For amount expended by postmasters in excess of appropriation, being a deficiency for the fiscal year 1885, \$301.11.

Mr. HISCOCK. I wish to inquire of the gentleman from Missouri whether there were deficiencies in this same service for the fiscal year just closed.

Mr. BURNES. There was no deficiency submitted at all.

Mr. HISCOCK. Do I understand that there have been no deficiency estimates submitted for compensation of postmasters for the fiscal year just closed ? Is the gentleman quite sure he is right ? Is there no estimate for a deficiency in compensation of postmasters for the fiscal year which closed June 30, 1886 ?

Mr. BURNES. None, so far as I know. There has been no deficiency of that kind reported to us for the year just closed.

The Clerk read as follows:

The foregoing sums for the postal service shall be payable from the postal revenues of the respective years to which they are properly chargeable.

Mr. ROBERTSON. I move to amend by inserting, as an additional clause, what I send to the desk.

The Clerk read as follows:

To pay the Mississippi Central Railroad Company the balance due upon drafts given them in settlement of accounts, which drafts remain unpaid, \$4,636.01.

Mr. HOLMAN. I reserve a point of order on this amendment.

Mr. BURNES. I beg to say that I promised my associates on the committee, or a portion of them at least, that I would object to the reservation of any point of order. When such a point is made let it be considered at once, so as to facilitate the progress of business.

Mr. HOLMAN. I hope the gentleman from Kentucky [Mr. ROBERTSON] may be permitted to be heard.

Mr. BURNES. I presume he does not wish to be heard on the merits before the point of order is decided.

The CHAIRMAN. The gentleman from Missouri will state his point of order.

Mr. CANNON. I suggest to the gentleman from Kentucky that this amendment will more properly come in when we take up a later portion of the bill—that relating to audited claims.

Mr. ROBERTSON. The same point of order would be raised then.

Mr. CANNON. That is true; but the part of the bill to which I refer would be a more appropriate place for the amendment, and I suggest to the gentleman that he had better defer it.

Mr. ROBERTSON. I will do so.

Mr. BINGHAM. I move to amend by inserting after the paragraph just read the following:

To pay the amounts set forth in House Executive Document No. 245, first session, Forty-ninth Congress, to postmasters for stationery used during the fiscal year 1883, \$1,476.31.

Mr. Chairman, by reference of the Speaker, Executive Document No. 245 was sent to the Committee on the Post-Office and Post-Roads, by which committee I have been directed to ask that this amendment to the present bill may be accepted by the Committee on Appropriations.

The amount which the amendment proposes to appropriate covers some sixty-two offices. I trust the gentleman from Missouri will accept it.

Mr. BURNES. If a mistake had not been made in the reference of the Executive Document to which the gentleman from Pennsylvania has referred, this item would, no doubt, have been incorporated in the bill, as I think it ought to have been. While I am not authorized by the committee to admit it, I will say that it ought to be voted in.

The amendment was agreed to.

The Clerk read as follows :

To pay amount found due by the accounting officers of the Treasury on account of investigating the history of insects injurious to agriculture, being for the service of the fiscal year 1884, \$2.82.

Mr. BURNES. I move to amend by inserting after the paragraph just read the following :

For payment of employés for labor performed in the month of June, 1886, for the improvement of grounds, \$969.10.

I will simply state that certain men were employed in the service during the month of June last. At the close of the month there was found to be a deficiency of the amount named in the amendment, and they are at present without their pay.

Mr. CANNON. Under what law was that expenditure authorized ?

Mr. BURNES. The expenditure was made under an appropriation in the last appropriation bill under the head "employés: improvement of grounds."

Mr. CANNON. But when the appropriation was exhausted did not the work cease ?

Mr. BURNES. The appropriation did not reach to the end of the month, but the work went on during the whole of the month. There was, probably, an inadvertence on the part of the Commissioner in not knowing the money would run short before the month expired.

Mr. CANNON. Does the gentleman think this is a wise way to appropriate ?

Mr. BURNES. I do not ; but here are twelve poor men who have worked for the month, and who, I think, ought to be paid. Certainly they ought to be paid, if we recognize the rights of laboring men at all.

Mr. CANNON. I agree that the laborers should be paid, but does not the gentleman think there ought to be a vote of the House censuring the Commissioner of Agriculture for making this expenditure in the teeth of the law ?

Mr. BURNES. I will answer the gentleman. I do not think the Commissioner of Agriculture should be censured. The failure to appropriate \$969 more for this purpose in the last appropriation bill is the cause of these men being unpaid. Probably the Commissioner by extraordinary vigilance might have discovered that the appropriation would not pay all the men for the month of June ; but the amount was so nearly sufficient that he estimated there would be enough, and when he reached the end of the month he found there was a deficiency of \$969. It was an oversight.

Mr. CANNON. So I understand. I want to get that admission. Here is an appropriation for doing such work by the Commissioner of Agriculture in the city of Washington when he has a disbursing officer and other officers all on one square of ground, who, in the teeth of law and without any warrant of appropriation, goes on and hires people to the extent nearly of \$1,000, and yet the committee come in and recommend it and we vote for it ; and having said that much I will leave the subject.

Mr. BURNES. I beg leave to say, Mr. Chairman, that the Commissioner of Agriculture overlooked or miscalculated about the extent of the funds on hand. If we could reach him by not appropriating this money I would be against appropriating it; but in view of the fact these men who did this work are to suffer, I do not propose they, having acted innocently in the matter, shall be refused payment they are entitled to for the work they have done.

The amendment was agreed to.

Mr. CANNON. I will say to the gentleman from Missouri [Mr. BURNES] that a number of members on this side of the House have to be away to-morrow, and they would like to have some understanding in reference to the items in the first part of this bill.

Several MEMBERS. Who are they?

Mr. CANNON. The gentleman from Ohio [Mr. BUTTERWORTH] is one, and the gentleman from Indiana [Mr. BROWNE] is another. The desire is that the gentleman from Missouri should consent to turn back and dispose of those items in the first part of the bill at this time.

Mr. BURNES. I should like to accommodate my colleague on the committee, and also the gentleman from Ohio [Mr. BUTTERWORTH] and the gentleman from Indiana [Mr. BROWNE], but it is not convenient just now to turn back in this bill.

Mr. CANNON. I wish also to say the chairman of the Committee on Foreign Affairs [Mr. BELMONT] has to be away, and it was to accommodate him as well as the other gentleman to whom I have referred I made the appeal to the gentleman from Missouri [Mr. BURNES].

Mr. BUTTERWORTH. I ask the gentleman from Illinois to permit me to interrupt him to say it was not to suit my private convenience the suggestion was made, but I was called away to attend the subcommittee on appropriations, considering the fortification bill, for the purpose of hearing testimony relative to our coast defenses.

Mr. BURNES. My friend from Ohio knows I would accommodate him at any time, but it is impossible for me to do so now.

The Clerk read as follows:

For fees of commissioners, and justices of the peace acting as commissioners, \$50,000; and hereafter the whole of the compensation and fees paid a commissioner, and to which he may be entitled, for services in the examination of criminal charges, shall not exceed \$800 per annum, or exceed that rate for any time less than a year.

Mr. BRAGG. The point of order I desire to make on that paragraph is that it makes a new enactment of law, which we prohibited on appropriation bills, and especially deficiency appropriation bills.

Mr. BURNES. If the gentleman from Wisconsin will yield to me, I will say to him the committee is perfectly conscious this limitation is subject to the point of order; but in making that statement I am authorized and instructed by the committee to say if this point of order be made and sustained, as undoubtedly it will be if made, then the committee will propose to strike out the appropriation, because without this limitation in this bill the Treasury of the United States would

be depleted to the amount of hundreds of thousands of dollars beyond any necessary expense. I believe I am authorized to say the committee on this proposition is absolutely unanimous.

Mr. BRAGG withdrew the point of order, and the Clerk, continuing, read as follows:

For fees of commissioners, and justices of the peace acting as commissioners, being a deficiency for the fiscal year 1885, \$24,856.22.

Fees of witnesses: For fees of witnesses, United States courts, \$50,000.

Mr. McCOMAS. I move to strike out the last word. * * *

Now, it is due to that administration, it is due to the cause of truth and history, that under the five-minute rule the attention of the House should be drawn to four or five facts which make plain how utterly wrong and unjust such charges were. I find that the fees of jurors in 1881 amounted to \$440,000; in 1882 to \$470,000; in 1883 to \$450,000; in 1884, \$510,000; in 1885 to \$450,000, and, for 1886, \$525,000, under the present administration, have been provided.

Turning now to the fees of witnesses in 1881, I find that the appropriations were \$580,000; in 1882, \$670,000; in 1883, \$601,000; in 1884, \$660,000; in 1885, \$604,000, and now, in 1886, we have a total of \$735,000.

[Here the hammer fell.]

Mr. HISCOCK and Mr. BURNES rose.

Mr. HISCOCK. I yield to the gentleman from Maryland.

Mr. BURNES. If I can be recognized I will yield to my colleague on the committee.

Mr. McCOMAS. I thank both the gentleman from New York and my colleague on the committee.

The Committee on Appropriations were in this dilemma: If we did not make the appropriations then there would be the danger that under the section of the Revised Statutes preventing the assignment of claims against the Government a witness forced from home a long distance might go to the office, and finding no money there be compelled to sell his claim in order to get funds to return home; but under the ruling of the Department he would not be permitted to do that. He could not sell it, because it is not assignable; so, in the interests of public justice and for the proper order of procedure in the courts of the country the committee were constrained in their action.

But under the present head of the Department of Justice, himself not long ago a member of that body yonder at the other end of the Capitol, this enormous increase of appropriations for witnesses, jurors, and the like ought not to pass unnoticed, especially when we have found one-third of the tenure of "retrenchment and reform" has fled, and the increase of appropriations, the opposite of retrenchment, goes on; but reform may possibly come after a while. [Applause.]

I yield back to my colleague on the committee the remainder of the time, if he desires it.

Mr. BURNES. I desire to confirm what my colleague has said, and call attention in doing so to the similarity between the expenditures and deficiencies between

the fees of marshals and the fees of witnesses, because they run together, the marshals disbursing the funds for both.

In 1881 the appropriation was \$650,000, and there was a deficiency of \$172,600, making a total for the year of \$822,600.

From that time on we began to decrease, because the year 1881 was an expensive year. In the year 1882, the succeeding year, the appropriation with the deficiency was \$650,000 as against \$822,000. In 1883 the appropriation was \$600,000 without any deficiency. In 1884 it was \$600,000 with a deficiency of \$90,753; a total of \$690,753. In 1885 there was an appropriation of \$600,000 with a deficiency of \$124,447; making a grand total of \$724,447. For the past year, closing on Wednesday last, the appropriation was \$675,000, and this bill provides for a deficiency of \$20,000, which will make a total of \$695,000 as against a total of \$724,000 the preceding year.

The *pro forma* amendment was withdrawn.

Mr. CANNON. I renew the *pro forma* amendment for the purpose of saying that notwithstanding the extraordinary increase, considering the professions on the other side of the House, especially for witnesses, this appropriation bill does not recommend enough money either to pay the witnesses, or the marshals, or the jurors for the last fiscal year of 1886; and I might add to that the miscellaneous expenses. There is to come in for these different items a further deficiency all the way from \$150,000 to \$250,000 in the aggregate to be appropriated for next year.

It may be asked why the appropriations are not more liberal in this bill.

Mr. BURNES. I do not rise to controvert what the gentleman from Illinois has said, so much as to call attention to a great abuse in the management of the Department. It is not the fault of the present head of the Department, but of the system which has been in existence in this Government for many years.

This money appropriated for witnesses goes out to the different marshals, sixty-five in number, I believe, and goes out necessarily on a blind division on requisitions made by each marshal, and each marshal is trying to get as much as possible for witnesses. Now, if you appropriate too much money the accounting officers, or the Comptroller making the division, will naturally divide it all up, and it goes out to the sixty-five marshals; it is in the hands of the marshals, and one marshal has too much, while another, perhaps, has not enough.

But when these remittances are reported back by the marshal it is found on the marshaling of assets there is enough. While one has got too much another has received not quite enough, and those who have the excess, in returning the money, will make good the deficiency in the accounts of many other marshals. It is that system which necessarily makes mistakes and errors and deficiencies too. If you give a marshal \$2,000 when he ought to have but \$1,000 he will spend it all if he has any reasonable chance of doing it.

Therefore, as this money has to go out blindly, in this one Department, it is far better to have deficiencies than to have excessive appropriations, because it is parted with by the Government blindly without knowing how much will be needed to pay the witnesses by a particular marshal. This system ought to be changed.

Perhaps it will require a law to change it ; but it ought to be changed, and if the head of the Department of Justice has the power to do it he ought to do it at once. If he has not, we ought by law to regulate the manner of furnishing the marshals money to pay fees of witnesses and jurors.

Mr. CANNON. I move to strike out the last two words. I do it for the purpose of saying that the gentleman from Missouri does not understand this matter or I do not. It is true that the marshals do make requisitions upon this fund, and in answer to those requisitions, so far as the Attorney-General sees proper to answer them, the funds are given to them and they disburse them in the payment of witnesses and of jurors. But I do not understand there is a surplus in the hands of any marshal in the United States. On the contrary, the gentleman from New York [Mr. ADAMS] called my attention when this bill was being considered the other day to the fact that in the district of New York in which he resides there is a large amount, many thousand dollars, due to witnesses and to jurors for services in 1886, and no money to pay them, and after this appropriation which we provide in the deficiency bill is exhausted they will still go to a large extent unpaid ; and so it is throughout the length and breadth of the country.

Mr. BURNES. I would ask my colleague if he does not know that of course New York does not get enough, and that it will always be wanting a little more. [Laughter.]

Mr. HISCOCK. Mr. Chairman, I have listened to the gentleman from Maryland [Mr. McCOMAS] and the gentleman from Illinois [Mr. CANNON] and the gentleman from Missouri [Mr. BURNES], trusting to hear from those gentlemen or some other member of the committee some explanation of this immense increase of \$131,000 for witness fees in the year 1886 as compared with the preceding fiscal year, and an increase of \$75,000 for pay of jurors. It looks as if there were "something rotten in the state of Denmark." I trust that the Committee on Appropriations have seen fit, in their wisdom, to investigate this increase, and are able to tell us the cause of it—whether there has been an increase of court business, an increase of litigation, or an increase of terms. The fact presented is something strange, and in view of the business habits of the gentleman who has charge of this bill, I doubt not he will be able to furnish some explanation of it. An increase of \$75,000 for pay of jurors, and \$131,000 in witness fees in one year, as compared with the preceding year, is something startling. I know we all hear about these abuses which gentlemen have spoken of, but they do not account for this remarkable increase.

I trust that before this matter is disposed of the distinguished gentleman who has charge of this measure will give some little information to the committee. Two hundred and six thousand dollars is a large sum for court expenses in two branches of the service. It looks as if jobs had been "put up," as if witnesses had been subpoenaed for purposes of speculation, and men summoned as jurors without proper necessity.

Mr. BURNES. I desire to say to my friend from New York [Mr. HISCOCK] that now and then there are extraordinary and surprising expenditures. It would probably be as difficult for me to account for the extraordinary increase in the

appropriation for payment of witnesses as it would be impossible for the gentleman from New York to account for the extraordinary expenses of marshals in 1881, reported in a deficiency bill from the Committee on Appropriations, of which he was at that time chairman.

Here was a deficiency of \$172,600 over the bill which preceded it and everything that has followed it. I presume there was something wrong in that deficiency. I might presume so, if I wanted to be ugly or wanted to be partisan or unfair; but, sir, I do not intend to be either.

The fact is, the deficiency over the appropriation of \$172,600 was larger than in reference to any other appropriation which has followed it, with but one exception—indeed, it was three times more than any deficiency which has occurred in the last five years.

Mr. HISCOCK. I wish to say to the gentleman——

Mr. BURNES. Allow me to proceed without interruption.

Mr. HISCOCK. Allow me to interrupt you.

Mr. BURNES. Allow me to proceed.

Mr. HISCOCK. I am not talking about deficiency, but——

Mr. BURNES. I cannot yield at this moment. I say, Mr. Chairman, this is an extraordinary expenditure for 1881. I suppose it is fair. I am not here to say there was anything unfair about it. I am not here to charge there was any improper expenditure in that year by the marshals of the country.

I am here, however, to admit these extraordinary expenses have occurred in the last year, I suppose, because there has been an extraordinary number of witnesses, because there has been a great increase of business in the courts. I suppose so. I do not suppose any gentleman on the floor would charge there has been any improper practices in this expenditure by the Attorney-General, at the head of the Department of Justice, or by any of his subordinates. We have appropriated extraordinary amounts for the fees of witnesses. We have appropriated for the past year \$550,000; and we have appropriated by the urgent deficiency bill and by this bill for the same year a deficiency of \$185,000, making in all for last year \$735,000. For the preceding year the amount appropriated was \$604,406; for 1884, \$660,000; for 1883, \$601,000; 1882, \$670,000; and for 1881, \$580,000.

I grant \$735,000 is an extraordinary appropriation for the fees of witnesses. Who is to blame? I believe it is the system, and, notwithstanding the suggestion of the gentleman from Arkansas, I have satisfactory information, so far as I am concerned, from gentlemen connected with this Department, when this expense is canvassed in some places it will be found to be too large and in some places not large enough, and that what now seems to a great deficiency will be found to be less when the facts are all known.

The CHAIRMAN. The gentleman's time has expired.

Mr. BURNES. I now move the committee rise for the purpose of extending the session for half an hour.

The motion was agreed to, and the committee accordingly rose.

Mr. BURNES. I now move that the House adjourn.

Mr. HEPBURN. This is the evening for pensions——

Mr. BURNES. Then I move that the House take a recess until 8 o'clock this evening, in accordance with the special order.

Mr. ADAMS, of New York. What is that for, pension business?

Mr. BURNES. Yes, sir.

The motion of Mr. BURNES was agreed to, and the House adjourned.

DEBATE CONTINUED, JULY 3, 1886.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the general deficiency appropriation bill.

Mr. BELMONT. I understand yesterday there was an agreement that the paragraphs concerning the State Department should be taken up this morning. I believe it was understood we would go back to them this morning.

Mr. BURNES. I do not understand any such agreement as having been made.

The CHAIRMAN. The gentleman in charge of the bill simply stated that he could not go back on yesterday.

Mr. BURNES. I will go back when we get through the bill.

The Clerk read as follows:

JUDGMENTS, COURT OF CLAIMS.

Mr. BURNES. From line 1069 to line 1579, inclusive, I see no necessity for reading. These are judgments of the Court of Claims. There is a mere list of the names of the judgment creditors and the amounts of judgment as certified by the clerk of the court. The reading will consume half an hour or more, and I ask unanimous consent to dispense with the reading of that list and let it be printed in the RECORD.

There was no objection, and it was so ordered.

Mr. BURNES. I ask unanimous consent to make a correction of some errors in the printing of the paragraph relating to these judgments of the Court of Claims. In line 1191 the letter "r" in the name Bursch should be stricken out.

The CHAIRMAN. Without objection that correction will be considered as made.

There was no objection.

Mr. BURNES. I desire to correct an error which occurred in printing the same paragraph. I send up an amendment to come in after the word "cents," in line 1360.

The Clerk read the same.

Mr. BURNES. By an error these names, which are in the list as certified by the Court of Claims, were omitted from the bill.

The amendment was agreed to.

Mr. GUENTHER moved the insertion of the following amendment before the last paragraph:

For the payment of unappealed awards and judgments rendered against the United States for flowage damages caused by the improvement of the Fox and Wisconsin rivers, in the State of Wisconsin, as follows, etc.

Mr. BRAGG and Mr. GUENTHER addressed the House upon the amendment.

Mr. BURNES. I yield five minutes to the gentleman from Pennsylvania [Mr. RANDALL].

Mr. RANDALL. I do not pretend to discuss here the legal points involved in this case or whether the Congress of the United States did right or wrong in delegating to a State court the adjustment of a claim against the Federal Government; but I do say that the whole proceeding from the beginning to the end of this matter induced, and I may properly say compelled, the Committee on Appropriations to resist this payment in every way possible, and I do not believe but what the gentleman from Wisconsin [Mr. BRAGG] if he had himself been a member of that committee would have done the same thing.

Originally, the United States Government made a grant of land to the State of Wisconsin. The State of Wisconsin donated this land to this corporation. After a while the corporation got tired of the enterprise, and then it was that there was an application to the Government to take possession at a certain price. The award of damages against the Government, whereby the Government assumed the ownership, if I remember aright—and I hope the gentleman will correct me if I do not state the figures correctly—the award was about a million of dollars, but there was deducted from that the value of the land which the Government originally gave to the State of Wisconsin, and which left the Government of the United States actually indebted to this corporation to the extent of \$300,000, or thereabouts.

Mr. BRAGG. I think it was less. I believe it was \$124,000.

Mr. BURNES. Originally \$325,000, and it was subsequently reduced to what the gentleman from Wisconsin states.

Mr. RANDALL. I have resisted everything in connection with this enterprise from the beginning. In addition to the arrangement made originally we had to expend \$1,100,000, or, as the gentleman from Texas states it, \$1,900,000. And then how was the Government treated? There was a reservation that these people should have the rentals; so that we built this improvement, but the corporation reserves all the income from our money.

Now, I think that justified the Committee on Appropriations in resisting to the fullest extent, and continuously, this appropriation of money. That is all I have to say. This is the history, and I wanted to state the history of it to the House so that the committee might be aware what prompted the Committee on Appropriations in its continual resistance to this measure.

Mr. BURNES. I yield half of the time which remains to me to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. In the original legislation under which these liabilities of the Government accrued I had no lot or part. It may have been an unwise grant. For the sake of the argument let us say it was. Nevertheless the legislation was had. In addition to that, the United States has provided a forum in which its citizens have litigated their rights under the act of Congress, and those damages have been reduced to judgments. They are awards from which there is no appeal.

The responsibility of the United States as reported by the Attorney-General is

fixed. As to \$88,000 of these judgments and awards, wise or unwise, right or wrong, the liability of the Government is fixed, and nothing remains to be done, in the language of the Attorney-General, but to pay; and until we do pay they draw interest at 6 per cent. There is the whole thing in a nutshell.

Mr. BURNES. I have but a word to say. So long as my friend from Wisconsin [Mr. BRAGG] confined his proposition to the naked legal question; so long as he merely claimed he had a legal right to the payment of his judgment, then so long I sympathized with his statement and approved of his argument. The gentleman has appealed to the forum of conscience; he has alluded to the iron-clad conscience of the Appropriations Committee and contrasted it with the conscience of the gentlemen in Wisconsin who are pressing this matter on us. I simply accept the issue and say to this House—and I ask my colleague on the committee [Mr. CANON] to correct me if I do not state it correctly—in that forum there can be no question as to the dishonesty of these claims and of these judgments. These claims and judgments ought not to be paid by the representatives of the people of this country who are acting here as the sovereign legislative power of the Republic. True, there is a technical judgment of the courts of the State of Wisconsin. It has been stated that there were judgments of the Supreme Court. The opinion of the Supreme Court upon a made-up case has been given; but when you go to the issues that were tried in Wisconsin, they were tried by a Wisconsin jury, tried in Wisconsin courts, appealed to the supreme court of Wisconsin—

Mr. GUENTHER. There are just as honest men in Wisconsin as anywhere else.

Mr. BURNES. I have no doubt of it, and there are just as honest Representatives on this floor from Wisconsin as from Missouri or any other State, and chief among them are my two friends who are urging these amendments.

Mr. BRAGG. Will the gentleman permit me to correct him in one statement?

Mr. BURNES. Yes, sir.

Mr. BRAGG. This question was not submitted to the Supreme Court on "a made-up case." The United States appealed a case to the Supreme Court and appeared and argued it by Solicitor-General Phillips.

Mr. BURNES. I admit that.

Mr. BLAND. I wish to ask the gentleman from Wisconsin whether any of these parties to whom these payments are proposed to be made are the parties interested in this water-power?

Mr. GUENTHER. Not one.

Mr. BURNES. In answer to my colleague [Mr. BLAND] I will say that there is a company of gentlemen there who have sold the Wisconsin River and reserved the water. [Laughter.]

Mr. GUENTHER. But they are not the parties who have sustained these damages.

Mr. BURNES. No matter. They were the owners of these lands which we gave them in our bounty. We gave them \$1,048,000 in money for their improvements, we gave them \$700,000 worth of land at a minimum price, and we now have against us claims of \$200,000 or \$300,000 for damages done by the water

which belongs to the manufacturing industries established there. Their water has done this damage, not ours, and every dollar that is appropriated for continuing the work simply raises that water higher and higher and overflows the land which belonged to this company, and has been disposed of by them to people in that vicinity at probably from \$5 to \$10 an acre, they accounting to us at \$1.25. I ask this House not to consider this proposition until the next session of Congress.

Mr. BRAGG. That is what you ask continually.

Mr. BURNES. Leave it out of this bill, and let each member of the House look into it for himself and say at our next session whether the Congress of the United States will pay a dishonest and unmeritorious claim simply because there is a technical legal obligation established against us.

Mr. BRAGG. Did you not provide in the last Congress for getting information? Did you not adopt a resolution calling upon the law officer of the Government for a report upon this subject?

Mr. HOLMAN. But we did not commit ourselves.

Mr. BURNES. I grant, Mr. Chairman, that the opinion of the Attorney-General has been given in favor of the regularity of these proceedings in Wisconsin, but the Attorney-General acted entirely through subordinates of whose weight and caliber I have no knowledge.

Mr. GUENTHER. But he signs it "A. H. Garland, Attorney-General." [Cries of "Vote!" "Vote!"]

The CHAIRMAN. Before the question is put, the Chair thinks it proper to state that at the time of making the ruling the Chair was unaware that there had been any ruling to the contrary or any prior ruling on the subject; but the Chair is thoroughly satisfied as to the correctness of its ruling.

Mr. REED, of Maine. Will not the gentleman from Missouri [Mr. BURNES] give us the language used by the Attorney-General in approving the payment of these awards? It is in the last paragraph, at the end of the second page of the letter.

Mr. BURNES. Yes, sir. The Attorney-General says:

The amount of the unappealed awards and the amount of the judgments rendered, as above set forth, make together the sum of \$88,963.16. As to these cases the proceedings are at an end, and nothing remains to be done except to make payment. From the information obtained by me, I am satisfied that the liability of the United States for such awards and judgments respectively is established agreeably to law, and hence that the amount of each is justly due thereon.

The amendment of Mr. GUENTHER was finally agreed to.

The Clerk read as follows:

For allowance to the following contestants and contestees in full of expenses incurred by them in contested-election cases: To H. A. Herbert, \$501.75; A. C. Davidson, \$200; J. B. Weaver, \$2,000; Frank T. Campbell, \$2,000; Frank H. Hurd, \$3,000; Jacob Romeis, \$3,000; and to James E. Campbell and Henry L. Morey, for allowance in addition to the \$2,000 already paid to each of them for expenses incurred in a contested-election case in the Forty-eighth Congress, \$1,500 each; in all \$13,701.75.

Mr. ROBERTSON. Mr. Chairman, I desire to raise the question of order on

this paragraph of the bill. I make the point of order on lines 1604 and 1605 where the word "three" is inserted in each line, allowing to Frank H. Hurd \$3,000 and to Jacob Romeis \$3,000 for expenses of contesting an election. This is in excess of the amount fixed by the statute.

Also, on the provision allowing \$1,500 to James E. Campbell and Henry L. Morey for additional allowance for contested-election case in the Forty-eighth Congress.

I made the same point of order in the Forty-eighth Congress. * * *

Mr. BURNES. I submit, in the interest of progress with this bill, that it is unnecessary to consume further time with reading the speech of my eloquent and esteemed friend. I will submit, sir, that the point of order cannot be resisted if insisted upon. In the sundry civil bill of 1880—

The CHAIRMAN. The Chair is ready to rule upon the point of order.

Mr. BURNES. Very well.

The CHAIRMAN. The Chair desires to state that the point of order as to the last portion, in reference to the appropriation for additional payment to Messrs. Campbell and Morey, applies in toto; but the Chair understands the gentleman from Kentucky only desires it to apply in lines 1604 and 1605, to the excess over \$2,000?

Mr. ROBERTSON. That is it exactly.

The CHAIRMAN. As so understood, the Chair sustains the point of order.

Mr. LOWRY. I wish to say that the gentleman from North Carolina [Mr. HENDERSON] was instructed by the committee to report this amendment; but I do not observe him in his seat, and I deem it important that the proposition should be offered at this time in order to protect the interests of the parties.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

After the word "dollars," at the end of line 1605, insert "Meredith H. Kidd, \$2,000; George W. Steele, \$2,000."

Mr. PAYNE. Mr. Chairman, I think that no law on the statute-book operates more unjustly upon contestants and contestees in election cases than this very law limiting the amount to be paid in such cases. Some years ago this provision was put on a general appropriation bill, and every Congress since has disregarded that enactment by increasing the amount of these allowances in various cases. * * *

Now, take this case of Kidd *vs.* Steele. Mr. Kidd presented a bill, with vouchers, showing the payment of some \$4,900, and Mr. STEELE a similarly authenticated bill amounting to \$4,500. In that case more than twelve hundred witnesses were examined. The testimony extended over a number of counties, local attorneys being employed in these different counties; and their bills seemed to be reasonable. There did not appear to be any reason in the world why this House should not reimburse to Mr. STEELE every dollar of the \$4,500 he had expended. His expenditures were economical; they should have been allowed by the House. Still by reason of this statute which the House, Congress after Congress, does not regard, this bill is cut down to \$2,000.

Mr. BURNES. The gentleman is laboring under a mistake. The House has never violated that law since it has been enacted, except when the Senate has put on an increase and this House has been compelled to acquiesce.

Mr. REED, of Maine. The gentleman is mistaken when he says that.

Mr. PAYNE. The House is a free moral agent. The statutes making these appropriations in excess of the amount named in that law are here, and they would not be in existence if they had not been passed by a majority of the House. I repeat the assertion that the House has constantly violated that law.

And this is not the only particular in which we have departed from the statute. Every gentleman on this floor will remember that only a few weeks ago, in the Rhode Island case, the House violated this statute in regard to the time allowed to the contestant and contestee to take evidence. The House repeatedly violates this statute.

Mr. BURNES. The House may do it with impunity, but the Committee on Appropriations cannot.

Mr. ALLEN, of Mississippi. This policy has the effect of encouraging men to have cases of this sort on mere pretenses, where they have no real rights, and to get this House to vote fees to lawyers where men come here to contest on a vote of seven out of an entire vote of twenty-five or thirty thousand.

Mr. PAYNE. Does the gentleman understand that this is a proposition to pay the contestants?

Mr. ALLEN, of Mississippi. I do not understand that; but I say the gentlemen from California who were elected to this House should trust something to the good sense of the Committee on Elections and this House and not go outside to employ lawyers to contest their frivolous cases. If the money of this Congress is to be given away in contesting every conceivable case that can be brought here, why, then, I say, any man, no matter what are the merits, can come before this House and involve us in expenses and costs of thousands of dollars in frivolous election cases.

Mr. BURNES. I trust now the Committee on Elections will not trespass further on the time of this committee by continuing this discussion. I ask unanimous consent that it shall now close.

The CHAIRMAN. The gentleman from Missouri [Mr. BURNES] now asks unanimous consent that debate on the pending paragraph be closed. Is there objection?

Mr. HEPBURN. I have an amendment which I desire to offer to the paragraph and which I may want briefly to discuss. I object. Is the proposition to close the debate on the whole paragraph?

Mr. BURNES. The gentleman may have two minutes.

Mr. HEPBURN. I offer the amendment which I send to the desk.

The amendment was read as follows:

After the word "dollars," in line 1604, insert: "And to the widow of J. C. Holmes, a contestant for the seat from the eighth district of Iowa in the Forty-sixth Congress, \$1,000."

Mr. BURNES. Mr. Chairman, I am constrained to make the point of order on that amendment.

Mr. HEPBURN. What is the point of order, Mr. Chairman?

Mr. BURNES. The point, Mr. Chairman, is that there has been no action whatever taken in that case by the Committee on Elections, and that there is no law authorizing this appropriation, so far as I know.

Mr. HEPBURN. I do not understand that the negligence of the Committee on Elections in regard to the matter can be made the basis of a point of order. [Laughter.]

The CHAIRMAN. Does the gentleman from Missouri [Mr. BURNES] desire to be heard further on the point of order?

Mr. SPRINGER. Mr. Chairman, I desire to make a statement in reference to this case.

Mr. SPRINGER addressed the House on the point of order.

Mr. HEPBURN. I do hope that the Committee of the Whole will vote affirmatively upon this proposition. I do not want to occupy time in further explanation of it. I know that there are a number of gentlemen here who thoroughly understand this question, having been members of the House at that time. I remember that my colleague from the first district of Iowa [Mr. HALL] gave, upon the request of the Governor of our State, an opinion on the question, which sustained the claim of the contestants.

Mr. BURNES. I simply call attention to this provision of the law—

Before any sum whatever shall be paid to a contestant or a contestee for expenses of election contests, he shall file with the clerk of the Committee on Elections a full and detailed account of his expenses, accompanied by the vouchers and the receipt for each item, which account and vouchers shall be sworn to by the party presenting the same, and no charges for witness fees shall be allowed in said account unless made in strict conformity to section 128, Revised Statutes of the United States.

Mr. HEPBURN. It is my understanding that that provision of the law has been complied with in this case.

Mr. BURNES. If so, then I submit to my friend from Iowa the case has been adjudicated by the House to which the contest related, and the claim has been repudiated.

The CHAIRMAN (Mr. HATCH). The Chair is unable to see why the amendment offered by the gentleman from Iowa is not as much in order as amendments which the Committee of the Whole has been discussing and voting on for the last hour or more. The Chair overrules the point of order.

The amendment of Mr. HEPBURN was agreed to; there being—ayes 71, noes 64.

Several paragraphs were read and adopted.

Mr. ZACH. TAYLOR. Mr. Chairman, I ask unanimous consent to go back to a paragraph which has been passed, in order that I may offer an amendment. I was out of the House at the time when the paragraph was considered.

Mr. BURNES. I cannot consent to go back, Mr. Chairman; I have been refusing to do that all day.

Mr. ZACH. TAYLOR. I would like very much to have an opportunity to offer this amendment.

Mr. BURNES. I will try to accommodate the gentleman in some other portion of the bill.

Mr. ZACH. TAYLOR. The amendment cannot well go into any other portion of the bill, because this is its legitimate place.

Mr. BURNES. I have so steadily refused to go back at the request of other gentlemen that I must decline in this case also.

Mr. WILSON. Mr. Chairman, I offer an amendment to come in after line 1637.

The amendment was read.

Mr. BURNES. Mr. Chairman, I must make the point of order on that amendment. I call attention of the Chair to section 1764 of the Revised Statutes, which prohibits any allowance whatever to any clerk or officer for any extra service or for any service.

The CHAIRMAN. The Chair will call the attention of the gentleman to the fact that that is confined to clerks and officers, and applies to no other persons. Is there any law for this proposed appropriation?

Mr. BURNES. There is no law for it, and no order of the House.

Mr. WILSON. I wish to say, Mr. Chairman, that this item has been carried in the appropriation bills of both sessions of the last Congress. We have already passed here an item for the successor of this man from the date of his appointment up to the 30th of June.

This appropriation is to fill out the intervening time between the appropriation made by the last Congress and the time when that successor was appointed. I have here a report from the Committee on Accounts recommending this very item in the language in which I have offered the amendment. This report, I understand, was overlooked and was not brought to the attention of the Committee on Appropriations in time for the item to be inserted in the bill. The man for whom the amendment is offered is a constituent of my colleague, Mr. GIBSON, and was employed in the library of the House during all last session of Congress.

The CHAIRMAN. The point of order is sustained.

The Clerk resumed the reading of the bill.

Mr. HEPBURN. I move to amend by inserting after the paragraph just read the provision which I send to the Clerk.

The Clerk read as follows:

To enable the Clerk of the House of Representatives to pay to the officers and employés of the House of Representatives borne on the annual and session rolls on the 30th day of June, 1886, including the reporters of the two Houses and the Capitol police, one month's pay at the compensation then paid them by law, which sum shall be immediately available.

Mr. BURNES. I am not aware of any law authorizing this item. If there be one, I hope the gentleman from Iowa [Mr. HEPBURN] will cite it.

Mr. CANNON. The gentleman from Missouri [Mr. BURNES] makes a point of order. Now that comes from the Democratic side of the House. This is a Democratic House with Democratic employés. I ask my friend from Iowa, why should we on this side force upon the other side that which they do not want?

Mr. GIBSON, of West Virginia. Has not the gentleman from Illinois been trying to force an increase of salaries all along through the Departments?

Mr. CANNON. Not at all. You may pay your employes just what you choose, so far as I am concerned.

Mr. HEPBURN. I do not know what the point of order made by the gentleman from Missouri is.

Mr. DUNHAM. He says there is no law for it.

Mr. BURNES. My point is that if there is any law for this appropriation I am not aware of it; and I think the *onus* is on my friend from Iowa.

Mr. HEPBURN addressed the House.

Mr. BURNES. I submit, Mr. Chairman, that we should have a vote upon this proposition. Unless we can have a vote at once, I shall be compelled to move that the committee rise to close debate. I ask unanimous consent that debate be closed.

There was no objection, and upon submitting the amendment of Mr. HEPBURN to a vote it was agreed to.

Mr. BURNES. Mr. Chairman, I move that the committee rise.

The motion was agreed to, and the committee accordingly rose.

DEBATE CONTINUED, JULY 5, 1886.

Mr. BURNES. Mr. Speaker, I beg to suggest that in all human probability no business can be transacted in pursuance of the regular order to-day, and I therefore move that it be dispensed with, and if that be done I shall move that the House resolve itself into Committee of the Whole for the further consideration of the deficiency bill.

The SPEAKER. No motion to dispense is necessary. The gentleman can move directly to go into Committee of the Whole on the state of the Union.

Mr. BURNES. Then I make the motion that the House now resolve itself into Committee of the Whole on the state of the Union for the purpose of considering general appropriation bills.

The motion of Mr. BURNES was agreed to, and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. HAMMOND in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the purpose of considering a general appropriation bill. The pending question is on the amendment offered by the gentleman from Pennsylvania [Mr. SOWDEN], on which a point of order has been made. The Clerk will report the amendment.

The Clerk read the same.

The CHAIRMAN. Has the gentleman from Pennsylvania [Mr. SOWDEN] anything to say on the point of order?

Mr. SOWDEN. All that I have to say is that the point of order is not well taken, because this amendment does not increase the salary of any officer or employe, but simply provides that the salary already fixed for one official shall be paid to his successor.

The CHAIRMAN. The Chair desires to inquire of the gentleman from Pennsylvania [Mr. SOWDEN] whether the persons sought to be paid by this amendment were or were not the officers to whom this salary applies.

Mr. SOWDEN. The salary paid to A. W. Williams was \$900. Robert Dougherty was substituted or appointed to his place and has filled that position. All that he now seeks is to recover by this amendment the difference between \$900 per annum, the pay to which he was entitled, and \$720, the amount which he received.

Mr. BURNES. The ground upon which the committee has acted in matters of this kind may be stated in a few words. Claims of this character do not belong to the Forty-ninth Congress, and they ought not to be, and as I understand they will not be, under the existing rules, recognized, unless there is some order of the House of Representatives or some express law for their payment. Now, in other cases which appear to be similar there were orders coming to the Committee on Appropriations from the House itself directing us to take jurisdiction; but this is a claim coming to us from the Forty-eighth Congress, and has not the sanction of law or of any order of the House. There is nothing, therefore, it seems to me, on which to base a claim for appropriation of this character. It must take its course before the Committee on Claims as other claims of similar description have done.

I will add that it is a very bad practice, indeed, under which a man appointed to one position, for which the salary is fixed either by law or by order of the House, is without authority of law and without an order of the House taken out of that position to which he was appointed and the salary which was fixed, and put into another position without any authority whatever. This is getting to be a great evil, and it is time this House should refuse to send such claims to the Committee on Appropriations indorsed by the action of the House.

But the claims now before us are not in that position. They have not been before the Committee on Accounts, have not been favorably reported back and sent to the Committee on Appropriations. These are applications for naked gratuities, and are without sanction of law or an order of the House of Representatives.

The point of order was sustained.

Mr. GUENTHER. With the consent of the gentleman from Missouri [Mr. BURNES] in charge of this bill, and of the gentleman from Indiana [Mr. HOLMAN], I ask consent of the committee to make a correction in the amendment I offered on Saturday. By some inadvertence the amount of costs in five cases——

Mr. BURNES. I trust my friend from Wisconsin will not press that matter now, but will wait until we get through with the bill.

Mr. GUENTHER. Very well; in compliance with the gentleman's suggestion I will withdraw the correction for the present.

The Clerk read as follows:

For additional amount necessary for engraving and printing a portrait of the late Vice-President Thomas A. Hendricks, to accompany the eulogies ordered to be printed by the joint resolution approved March 13, 1886, \$450.

Mr. REAGAN. I would like to have some explanation from the gentleman from Missouri [Mr. BURNES] in charge of the bill how \$450 came to be adopted as the amount necessary for engraving this portrait?

Mr. HOLMAN. This was the estimate which came to us from the Department.

Mr. REAGAN. I desire to say they do not cost over \$125. I notice they come in these bills asking \$400 and \$500 for that which any private gentleman can get done for \$100.

Mr. HOLMAN. I followed the estimate here. They generally cost \$500.

Mr. BURNES. Five hundred dollars were appropriated for this work. This executive document which I hold in my hand fully explains the matter. It might as well be read.

Mr. REAGAN. I do not wish to consume the time of the House.

Mr. BURNES. Five hundred dollars were originally appropriated, but there was such an extraordinary number printed of the document referred to it was found necessary to have this extra plate.

Mr. REAGAN. Nine hundred dollars, then, for the two plates?

Mr. BURNES. Yes, for the two plates. The gentleman will remember this work is done at the Bureau of Engraving and Printing.

Mr. REAGAN. Why was not the first plate good for the second printing?

Mr. BURNES. They wear out, like everything else.

The CHAIRMAN. There is no motion pending.

Mr. REAGAN. I am inclined to move to strike out that paragraph. It is an extraordinary price for two steel plates.

The CHAIRMAN. Does the gentleman submit the motion?

Mr. REAGAN. Yes; I do.

Mr. HOLMAN. I hope the gentleman will not move to strike that out. It is a regular estimate.

Mr. BURNES. I ask the estimate of the Department be read to the House.

The Clerk read the same.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Texas.

Mr. REAGAN. I withdraw the amendment because it will be voted down, although I believe the appropriation ought not to be allowed.

The Clerk read as follows:

NON-RESIDENT ALIEN STOCKHOLDERS.

For refunding taxes illegally collected, prior to July 1, 1883, except the claims numbered 46050, 47381, and 47413, contained in said Executive Document No. 70, \$17,197.13.

Mr. CANNON. I move to strike out the following words: "except the claims numbered 46050, 47381, and 47413, contained in said Executive Document No. 70, \$17,197.13," and insert in lieu thereof "the sum of \$39,020.28."

The object of this amendment is to insert three items certified by the Auditor and Comptroller for taxes illegally collected nearly twenty years ago. In the aggregate they amount to about \$20,000. Under legislation which I merely refer to, the Commissioner of Internal Revenue is required to ascertain the taxes ille-

gally collected and pay them, or certify them for payment in the event there is no appropriation available. The appropriation available for the payment of these three claims, as well as thirty or forty other claims standing upon the same principle, has long since been covered into the Treasury. Therefore they have been audited by the Auditor and Comptroller under another provision of the statute and certified to Congress for payment. * * *

Mr. KELLEY. Mr. Chairman, the failure to appropriate this amount of money was, as I have heard, based on the ground that the parties who were collecting, or about to collect, it would never pay it over to the parties to whom it belonged. Now, sir, the attorney of these parties, the attorney of the non-resident alien stockholders, whose money was withheld from them, is my personal and valued friend.

I have seen his powers from some of the very owners of these funds and from the bankers in New York who have been their banking agents for years. He sought to present the case to the subcommittee, and if the gentleman from New York [Mr. ADAMS] is here I am sure he will bear out the statement that he had no opportunity of presenting the case of his clients before the subcommittee. It is within my knowledge that he sued—sued most abjectly—for the privilege of stating the case to the whole committee, and was—I do not use the word offensively, but I say it because it expresses what would have been my feelings if I had stood in his place—bluffed; and it is within my observation that his carefully guarded but distinct statement of his case which he placed in the hands of the committee, was returned to him without having been submitted to the committee. I ask, however, that this letter from my friend, the counsel in the case, T. W. Neill, may be read, and I vouch for all its statements.

The Clerk read as follows:

OFFICE OF T. W. NEILL, ATTORNEY-AT-LAW,
1767 P STREET NORTHWEST, WASHINGTON, D. C., July 5, 1886.

MY DEAR JUDGE: Relative to the non-resident-alien-income-tax-refunding claims, Nos. 46050, 47381, 47413, referred to on page 72 of the deficiency bill, and Nos. 48191, 48281, and 48242, on page 98, which are not provided for, it has come to my knowledge that this omission was occasioned by a statement made before the Committee on Appropriations, to the effect that these old claims had been bought up by the attorney who was prosecuting them, and, if paid, no part of the money would go to the beneficiaries. I represent these claims on behalf of these beneficiaries, through their bankers and financial agents in New York city, and I write to say that any such statement is an unjust and uncalled-for reflection upon the railroad corporations, upon these bankers of high standing and character whom I represent, and upon me, and the statement is false in every particular. I was, greatly to my regret, not permitted the opportunity to hear or answer this false statement before the committee, and therefore I beg, if it shall be repeated or referred to before the House, that you will contradict it as unqualifiedly false. * * *

I am, very sincerely, yours,

T. W. NEILL, 1767 P Street Northwest.

Hon. WILLIAM D. KELLEY,
House of Representatives.

Mr. BURNES. I beg to call the attention of the committee, perhaps not inopportunistically, to an evil that is existing all around us and that has finally found encouragement in the Committee of the Whole House in the House of Representatives.

It seems that here in Washington there is less regard paid to the ethics of an honorable profession than in any other quarter of the habitable globe.

Mr. KELLEY. I desire to say that that remark does not apply to my friend T. W. Neill, who is pressing this claim, sustained by the Supreme Court of the United States.

Mr. BURNES. I trust my venerable friend—

Mr. KELLEY. And it involves the Comptroller of the Currency, and the Treasurer of the United States.

Mr. BURNES. It is true, Mr. Chairman, I have not the experience in legislation that belongs to my venerable friend from Pennsylvania [Mr KELLEY]. It is true that I may not have the patience to bear with those things I see around me that he has borne so long; but I do not think it improper on this occasion to call attention to the fact that no lawyer, or that few at least, leave the service of their client, the United States, without boldly taking employment on the other side of questions with which they have grown familiar while they were in the service of and retained by the United States.

Mr. KELLEY. Nor does that remark apply to Mr. Neill. He has not been in the service of the United States.

Mr. BURNES. We see all around us almost every day men who have been engaged in the service of the United States in either House of Congress and in the Departments of the Government, having by reason of that confidential relation to their client, the United States, obtained valuable information against the United States, turn around and at once attempt to discover and bring to light lawsuits against their former client almost without limitation. This may have no relation to this case, because it is not my business, as I understand it, to become familiar with the attorneys who are engaged in prosecuting these claims. It is not my business, as I perceive it, to champion those attorneys upon this floor; and, furthermore, sir, allow me to say that, so far as my limited experience is concerned, it is the first time when a vulgar blackguard on the outside of this House has been allowed to come before the House to insult and deride one of its honorable committees. So long as the criticism of the Appropriation Committee is confined to members on this floor I can laugh at it and enjoy it, but I submit to my colleagues on both sides of this House whether they are prepared for such a communication as has been sent in by this so-called attorney, using language which no member on this floor would use in order, which no member on this floor would care to use with due regard to the proprieties of life and the views that belong to gentlemen.

Mr. HENDERSON, of Iowa. Will the gentleman from Missouri allow me a question?

Mr. BURNES. Yes, sir.

Mr. HENDERSON, of Iowa. I do not quite get at the application of the gentleman's remarks. Does the gentleman claim that the writer of this communication has been in Congress or in any of the Departments?

Mr. BURNES. I do not know the man. I only know him from that communication which has been thrown into this discussion.

[Here the hammer fell.]

Mr. LONG, having been recognized, said: I yield such time as he desires to the gentleman from Missouri, reserving a portion of it for myself.

Mr. BURNES. I would suggest it would, perhaps, not be unfair if, by unanimous consent, my time were extended as was the time of the gentleman from Illinois [Mr. CANNON].

Mr. HENDERSON, of Iowa. I make that request.

There being no objection, the time of Mr. BURNES was extended for ten minutes.

Mr. BURNES. Now, let me come to the merits of the proposition, and when I shall have presented my views with regard to these merits it will be for the House of Representatives to pass upon them.

We heard strangely enough the other day about "Democratic honesty." I know no Democratic honesty, no Republican honesty. Honesty is honesty, and I trust that it exists as well in the bosoms of Republicans as in the hearts of Democrats. These railroad companies, payment to whom has been excluded in this bill, came before the auditing officers of the Treasury Department with a claim twenty-four or twenty-five years old. They presented that claim as due to them, and, conveniently enough, a decision of some court is found that seems to bear upon the question. But, sir, do you suppose for one moment that if the proposition had been submitted to any court in this country that there was money due to certain individuals in Europe judgment would have been rendered in favor of a railroad company in this country?

Mr. CANNON. Will the gentleman allow me a suggestion right there?

Mr. BURNES. I must ask the gentleman to excuse me now.

Mr. CANNON. It is right on that exact point.

Mr. BURNES. I will hear the gentleman after a while.

Mr. CANNON. But we shall have passed the point then. What the gentleman suggests is just what the Supreme Court did.

Mr. BURNES. Mr. Chairman, under a law of the United States, certain railroad companies, whose claims are excepted from this bill, paid what was then a lawful tax to the United States upon certain bonds and stock issued by them. These taxes were paid by these railroad companies, and under the law they reserved from the stockholders and the bondholders the amount of the tax which they had paid to the Government. The money that they paid to the Government of the United States as the tax upon the bonds and stocks of their corporations was the money of the bondholders and the stockholders which was withheld from them by the companies; therefore, if the decision of the court be correct, the Government owes the money to those alien bondholders and alien stockholders, and does not owe it to the railroad companies. Will this House, in its eagerness to accommodate the managers of these railroads, pay them money which it is confessed is not due to them but to individual parties across the water? Whenever these men who, out of their own money, have paid this tax—whenever they come and say to us, "Out of our money the railroad companies have paid the tax, which your laws now give back to us,"—whenever the real parties come here in that way we will consider whether we will make an appropriation or not.

Mr. LONG. But this amendment does not propose to pay the money to the railroad companies.

Mr. BURNES. I say to my friend from Massachusetts that this recommendation of the accounting officers of the Treasury is in favor of the railroad companies, and the companies can draw the money. The estimate is in favor of each railroad company, and not in favor of the parties. Now, where is the steal? Let me show this House the direct, palpable wrong that is sought to be perpetrated here—I mean, of course, no disrespect to any gentleman upon this floor. Here is the wrong: These alien stockholders and bondholders have been now twenty-five years in ignorance of the fact that the Government of the United States owed them a cent.

Mr. KELLEY. I beg leave to correct the gentleman.

Mr. BURNES. Many of them are dead; all of them perhaps, but for the intervention of some little jack-legged lawyer fishing in the archives of the Government, would have been in utter ignorance to-day that anything was due them. But no matter, sir. I say that if we owe these people anything, we owe it to them name by name, and we do not owe these railroad corporations one cent of this money. Look at it. The railroad companies paid this tax with the money of their alien bondholders and stockholders. The railroad companies are not "out" one cent. Bring in the names of the creditors. Do not cook up a steal between an attorney and two or three railroad officials, but bring in the names of the creditors of the Government and we will pay them their just due. That is the point here. These appropriations are for these railroad companies to whom we are not indebted one farthing, yet, in our haste to gratify a lofty attorney who figures in this business, and in our haste to put some money into the coffers of the railroad companies, we actually propose to constitute them trustees of unknown *cestui que trusts*, and to put the money of the people into their hands to be dispensed by them to these unknown creditors. It is the duty of the Government, if it owes this money to anybody, to pay it to the parties to whom the debt is due, not to these irresponsible attorneys nor to these railroad companies. If the alien creditors have an attorney here, why does he not bring their names to the front? Why does he use the name of a railroad company to whom we are not indebted instead of bringing forward the names of his clients, if he has any?

Mr. KELLEY [holding up a paper]. They are here.

Mr. BURNES. I apprehend, Mr. Chairman, that it will be found that this gentleman is excellent at finding a case, and that he has found a case without a lawful client. I guess he has no client but himself, and no associate in his crime but the railroad companies, who are endeavoring to get money that does not belong to them. Sir, I am speaking not for my own money nor for the money of anybody on this floor; I am speaking for the interests and rights of the people of this country; on their behalf I am resisting an ignoble attempt to take the money of the people and put it into the hands of the railroad companies to be distributed or kept as they may choose.

Mr. CANNON. Mr. Chairman, this is a plain proposition. The facts are few and direct. Now, after the gentleman from Missouri [Mr. BURNES] has muddled

the water and like the cuttle-fish seeks to swim away, I want to call the attention of the committee to what the facts are. First, the railroad company, the same as a banking company, or any other company, paid under the internal revenue law a certain per cent.—from 2 to 5 per cent.—of the dividends upon its stock and bonds directly to the Government, instead of paying that 2 to 5 per cent. to the stockholder or the holder of the bond or coupon. Now, after twenty years' lapse of time, this claim for a refunding having been in the mean time filed under the law by the exact companies that paid the money into the Treasury, the claim is first approved under the section of the Revised Statutes by the Commissioner of Internal Revenue—lawfully approved by your Commissioner of Internal Revenue; then it is approved by your Auditor and your Comptroller, appointed by your President; and, thus approved, the claim is certified for payment and sent to Congress for an appropriation.

I want the attention of the gentleman from Missouri to what I am about to say—that the highest court of this land, the Supreme Court of the United States, in the construction of the law, in the determination of right between man and man and between the citizen and the Government (and whether you want to bow or not to the decision of the highest tribunal in this land, my oath and my duty as a good citizen compel me to do so), has determined this question in a case precisely similar to these cases—a case in which the foreign bondholder sued a railroad company and recovered. Here is the opinion of the Supreme Court, which I had read from the Clerk's desk a few moments ago, and it is upon this exact point.

Now, every one of these companies is liable in this matter to its stockholders. Where twenty years ago they paid their dividends less the 5 per cent., which was paid into the Treasury of the United States—promptly paid, but under protest and contrary to the requirements of the law, as the Supreme Court held—they are still liable to their foreign stockholders. They come now and say, "As we paid the money to the Government over twenty years ago and are still liable, we ask that the Government return us that money, that we may pay it to the stockholders to whom it is due." There is the whole case.

Mr. BURNES. I will ask my colleague on the committee whether there is any decision of the Supreme Court creating an obligation by virtue of that decision to pay money to one person when it is due to another?

Mr. CANNON. I will say to my friend, the railroad company is the trustee of its stockholders and the only party known to the Government in this matter.

[Here the hammer fell.]

Mr. CANNON. I wish some one would give me a few minutes more.

Mr. CONGER obtained the floor and said: I yield my time to the gentleman from Illinois.

Mr. CANNON. My friend from Missouri is a lawyer, and I want his attention again. I ask him whether the railroad company is not liable to its stockholders?

Mr. BURNES. As a matter of course, the railroad company paid these taxes, and paid them under a law which required them to be paid.

Mr. CANNON. No, sir; under no law, as the Supreme Court held.

Mr. BURNES. Very well; under a law which was supposed to be binding at

that time these taxes were paid to the Government of the United States. Now, I am not going off on any immaterial issue, and I do not care whether the mode of proceeding would be by the alien bondholder or stockholder against the corporation or against the Government. I do, however, say one thing, which I think my colleague will not deny, that if we owe these alien bondholders or stockholders for money which has gone into the Treasury under an illegal ruling of the Department or an unconstitutional law, they can come before us at any time to recover their money; and these railroad companies, although they may be trustees, as the gentleman calls them, for the stockholders, are in no sense trustees for the Government, into whose hands the Government should put money for the benefit of third parties.

Mr. CANNON. Why, my friend is not ingenious in his answer nor direct. Here is the case in which the stockholder recovered against the railroad company. Here is the decision of the Supreme Court of the United States. * * *

Now, I ask who paid this money into the Treasury? This railroad company.

Mr. BURNES. Whose money was it?

Mr. CANNON. It was the money of the railroad companies, which they held to pay the dividends upon their stock and bonds, and they paid it to the Government under protest.

Mr. BURNES. Now, does not the gentleman know that at the time this payment was made the law expressly authorized the railroad company to pay out of dividends declared on stock or bonds the taxes due from parties who owned the bonds or stock?

Mr. CANNON. Oh, certainly—that is, the law purported to do it; but the Supreme Court held that the law did not apply to alien non-resident stockholders, and the railroad companies have paid or are liable to pay—I do not care which—the amount they reserved from the dividends due to their stockholders and bondholders. * * *

The gentleman and myself disagree about this matter. Here is the Supreme Court of the United States, whose decision I have read. Who gives us the law next? The law officers of the Government. Here is the opinion of the Attorney-General, which I have read, in which he expressly holds under that decision of the Supreme Court of the United States that the trustee, the railroad company, had the right to receive the money. And who next is the law officer of the Government? Your Auditor and your Comptroller settled these claims under this decision and certified them here, but you come here and say in effect they are either knaves or idiots.

Mr. CANNON's time having expired, Mr. STRUBLE obtained the floor and moved that two minutes more be allowed. There was no objection and it was so ordered.

Mr. CANNON. I do not know the attorney who presses this claim. I do not care whether he is black or white, honest or dishonest. I do not know any party in interest, claim-holder or bondholder, nor have any of them spoken to me; but I do know my Government, under the decision of the Supreme Court of last resort, owes this money. It has been legally ascertained by your Auditor and Comptroller and certified along with sixty or seventy others, and when you come to these three railroad companies you stop; and while you certify to the others, you

run your pencil through these three cases because, forsooth, they were railroad companies, and for no other reason.

I never owned a share of railroad stock in my life and suppose I never will, but I can stand here and do justice to a railroad company, to a rich man, and to a poor man. The law of the country knows no man's wealth or standing. Its arm is long enough to reach the strongest and it is strong enough to protect the weakest. I am tired and sick of this kind of statesmanship. If I thought I were guilty of it I would say to myself it was the baldest, purest demagoguery I had heard or thought of. [Laughter.]

Mr. HENDERSON, of Iowa, addressed the Committee.

Mr. BURNES. I desire to bring this debate to a close; but before doing so I trust I will be indulged while I make a remark somewhat personal in its nature. I can always pardon the energetic manner of my colleague and friend [Mr. CANNON]; but sometimes he is energetic in speech as well as in manner. The language used by him in his remarks was not intended, I trust, nor do I believe it was intended, to be offensive. At the same time it is not quite proper for the gentleman to say to me that I am opposing these propositions simply because these claims are due to railroads, and that I am guilty of demagoguery.

I desire to say to my friend from Illinois, believing, as I do, that in speech he is often more energetic than he is aware, I have no prejudice for or against railroads. I am as willing to do fairly and justly by railroads as by private individuals. I make no distinction except to examine into their affairs a little more closely than I would into the affairs of a private individual. I have no prejudice against them, and I do not exclude this claim, nor did the committee exclude it, because it was made on behalf of a railroad; and I trust the gentleman when he sleeps over it will feel in the morning after sleeping that he has not followed the golden rule in doing to me as he would have me do to him. So far as that is concerned that is merely personal, but I felt I ought to say that much.

Mr. CANNON. I shall say to the gentleman from Missouri, in the first instance, I was in favor of putting these claims into the bill because I believed that the United States justly owed them. I will confess, believing so, and properly believing so, in my judgment, that when the gentleman from Missouri made his somewhat vigorous speech, I think, perhaps, more vigorous than he intended to make it, in which he denounced these claims as dishonorable, as I understood him, that did touch me, because in my view and opinion they are honorable and just; and for that reason I was for them, and I took care, under parliamentary usages, not to refer to the gentleman from Missouri in what I said about my opinion that this was a piece of demagoguery. I said if I had done so I would have entertained that opinion of myself.

Certainly I have no intention or desire to be unjust or discourteous to any gentleman, least of all to my colleague on the committee, the gentleman from Missouri, and if I was discourteous I now disclaim any such intention.

Mr. BURNES. I was sure that that was the feeling of my friend, and therefore I mentioned the matter.

Mr. Chairman, but a word more. The simple question is, is this money the

money of the bondholders and the stockholders or is it the money of the railroad company? That question each gentleman here can determine for himself. Who is the real owner of this money? I have simply tried to show that if the money goes into the hands of the railroad company or of this attorney of the company, the slumbering creditors, the real owners of it, will possibly get it, and possibly not. We ought not to vote money to one party which is due to another. I now ask unanimous consent that debate be limited to five minutes, which I will yield to my friend the gentleman from Pennsylvania [Mr. WHITE].

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri [Mr. BURNES]?

Mr. KELLEY. Mr. Chairman, before that motion is agreed to, I would like to have a brief letter read from the bankers who are to receive this money, which letter has been filed with the Secretary of the Treasury, asking him to furnish a list of the alien and non-resident parties to whom the money is due. There is no railroad company intervening.

Mr. BURNES. That is wholly unnecessary. I object to anything being filed that is not read.

Mr. KELLEY. I ask to have the letter read.

The request of Mr. BURNES for unanimous consent was agreed to; and Mr. WHITE addressed the House.

The CHAIRMAN (Mr. HAMMOND). The gentleman from Arkansas [Mr. ROGERS] is recognized.

Mr. CANNON. There has been no recognition for some time on this side of the House.

The CHAIRMAN. The present occupant of the chair was informed by its former occupant, the gentleman from Illinois [Mr. EDEN], that the gentleman from Arkansas [Mr. ROGERS] was next entitled to the floor.

Mr. CANNON. About twenty minutes have been occupied by the gentleman from Illinois [Mr. SPRINGER], and then five minutes by the gentleman from West Virginia [Mr. GIBSON].

Mr. BURNES. To cut the Gordian knot——

Mr. CANNON. I am willing to wait, however, until the gentleman from Arkansas [Mr. ROGERS] shall have been heard.

Mr. BURNES. To cut the Gordian knot, I now call up the point of order reserved on this amendment.

Mr. ROGERS. It was the point of order I rose to discuss.

I want to invite the attention of the Chair back to the point under discussion, which is simply a point of order; and when we have got rid of the point of order I want then to be heard on the merits of the proposition, which is to strike out, in lines 163 and 164, \$87.70, and to insert in lieu thereof \$10,000. Upon that the point of order is made.

Just how any point of order can be made on that proposition I cannot understand. If my friend from Missouri desires to explain it I, will yield to him for that purpose.

Mr. BURNES. I call the attention of the Chair to the fact that by section 3477

of the Revised Statutes all assignments of these fees are declared to be absolutely void. The accounting officers of the Treasury sent in to us certain items aggregating \$87.70, and say there are other amounts due to witnesses, but that the witnesses have assigned their claims, and that under this section of the statutes they have no power under the law to audit them and report them. This is an appropriation to pay claims sent down to us by the accounting officers of the Treasury enumerated in this document—Executive Document No. 70; and here comes in a proposition—to do what? To increase the amount from \$87.70, to pay audited claims, to \$10,000, when there are but \$87.70 of the audited claims, and the law in the section to which I have alluded prohibits the paying of those which are stated to be barred.

The CHAIRMAN. How is the Chair to be informed, as regards the point of order, just how much is certified by the auditing officers?

Mr. ROGERS. The question just put by the Chair is as good an argument as I can make. If there are no claims to pay, the money will be paid back into the Treasury. There is no point of order involved. It makes no difference whether these claims have ever been audited or not. The simple proposition is to strike out one sum and insert another, for a purpose specified by the Department, in this bill. I say the amendment is entirely in order. The question is whether the committee will insert that proposition, and after the ruling of the Chair I want to be heard on that.

Mr. BURNES. This appropriation is covered by this provision of the second section, which I shall now read:

That for the payment of a portion of the claims certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1883 and prior years, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in House Executive Document No. 70, Forty-ninth Congress, first session, there is appropriated as follows.

The CHAIRMAN. On a point of order the Chair does not know whether the claims amount to \$87 or \$10,000. The point of order is overruled.

Mr. BURNES. But here is the executive document showing what they do amount to.

Mr. CANNON addressed the committee.

Mr. BURNES. Mr. Chairman, I ask unanimous consent that debate on this proposition now close. We have certainly had enough of it.

Mr. SYMES. I object. I want to be heard for two or three minutes.

Mr. BURNES. Then I ask unanimous consent that the debate close, allowing five minutes to the gentleman from Colorado [Mr. SYMES].

Mr. ROGERS. If the gentleman from Missouri [Mr. BURNES] will make it ten minutes and yield me five minutes I will not object.

Mr. BURNES. I ask unanimous consent, Mr. Chairman, that the debate be limited to ten minutes.

There was no objection, and it was so ordered. Thereupon Mr. SYMES addressed the Committee, followed by Mr. ROGERS.

The ruling of the Chair was adhered to.

The Clerk, resuming the reading of the bill, read as follows :

For compensation of postmasters, readjusted under act of March 3, 1883, payable from deficiency in postal revenue, 1883, and prior years, \$392,394.44.

Mr. BURNES. There is a verbal correction, Mr. Chairman, I desire to make in line 612. I move in this line to strike out the word "three," where it occurs the second time, and insert the word "two" in place of it. It is a mere typographical error.

The amendment was agreed to.

Mr. BINGHAM. I make the point of order on the whole proviso, beginning with line 614 and down to the end of the paragraph, that it is new legislation.

The CHAIRMAN. The Chair will hear the gentleman from Missouri if he desires to be heard upon the question of order.

Mr. BLOUNT. I did not catch the exact part of the paragraph against which the point of order was made.

Mr. BINGHAM. My point of order embraces the entire proviso, beginning with line 614 down to and including line 634.

Mr. BLOUNT. Mr. Chairman, this provision I do not regard as a change of existing law. It appears that the Postmaster-General and the Attorney-General have put exactly this construction on the law as to the adjustment of these salaries. It has been the practice of the Department in dealing with them, and this is, therefore, no change of the law.

The CHAIRMAN. The Chair thinks it is certainly a change of existing law to make the opinion of an officer of the Government, or a number of officers of the Government, statutory law. Besides that, this proviso contains two statutes of limitation, which are now out of order. The point of order is sustained.

Mr. BURNES. Before passing from this point, I desire to make a motion to strike out the appropriation.

Mr. BINGHAM. It is too late.

Mr. BLOUNT. The gentleman can move an amendment.

Mr. BINGHAM. The Clerk had begun to read the next section.

The CHAIRMAN. This section has not yet been disposed of. There was an amendment made, one of the figures being changed ; but the section is still open to amendment.

Mr. BURNES. I move to strike out this appropriation, and I am actuated in making that motion by a sincere desire to save money to the Treasury of the United States, to save litigation and trouble, and to save vexation and annoyance in the future.

I desire to say that by the most active system known to the lobby rings of this city a prominent operator has secured the settlement of these accounts on this basis ; and while I am not complaining of the settlement of these accounts on this basis, the Postmaster-General and others have satisfactory evidence that this settlement have concurred in, these appropriations once made, then these same parties who have successfully engineered this scheme through will come for a readjustment

of the salaries upon a different basis after they have settled upon this one. Now, this proviso which has gone out on the point of order was inserted for the sole purpose of having the settlement when once made a final settlement; but the Committee on Appropriations have satisfactory evidence beyond question that as soon as this money is paid out and this action taken agitation for another settlement by a different system and upon a different basis will be urged by the same parties; and in this connection I ask to have a letter from the Postmaster-General read.

The Clerk read the letter, at the conclusion of which Mr. BINGHAM addressed the House.

Mr. BURNES. I ask unanimous consent that the debate on this paragraph be now closed.

Mr. BINGHAM. I have four minutes of my time remaining which I would like to use.

Mr. BURNES. Then I will ask that five minutes be also granted to my colleague on the committee [Mr. CANNON].

I will ask unanimous consent of the committee that debate be closed in twelve minutes. This will be inclusive of the four minutes reserved by the gentleman from Pennsylvania.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

Mr. BROWN, of Pennsylvania. I object unless I can have three minutes.

Mr. BURNES. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union, having had under consideration the general deficiency bill, had come to no resolution thereon.

Mr. BURNES. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the general deficiency bill; and, pending that, I move that all debate upon the pending paragraph now under consideration and all amendments thereto shall be confined to fourteen minutes—four minutes for the gentleman from Pennsylvania [Mr. BINGHAM], five minutes to my colleague from Illinois [Mr. CANNON], and five minutes for my friend from Georgia [Mr. BLOUNT].

The SPEAKER. The gentleman's motion to apportion the time would not be in order. That would be a matter of regulation in the committee. The motion to limit debate to fourteen minutes is, of course, in order.

Mr. BURNES. Then I make that motion.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HAMMOND in the chair.

The CHAIRMAN. By order of the House all debate on this paragraph and all amendments thereto is limited to fourteen minutes, four minutes of which belong to the gentleman from Pennsylvania [Mr. BINGHAM], who will now be recognized.

Mr. BINGHAM. I will reserve my time.

Mr. CANNON addressed the House, followed by Mr. BINGHAM.

The amendment of Mr. BURNES was finally agreed to.

The Clerk read as follows :

For refunding taxes illegally collected prior to July 1, 1883, except the claims Nos. 48191, 48281, and 48282, contained in said Executive Document No. 70, \$2,996.84.

Mr. BURNES. Mr. Chairman, I offer an amendment to line 39, to strike out "seventy" and insert "two hundred and twenty-five." It is a mistake in the number of the executive document therein specified.

The amendment was agreed to.

Mr. BURNES. There is a further amendment to line 38 which I offer, to strike out "eighty-two" and insert "forty-two."

The amendment was agreed to.

Mr. CANNON. I offer the amendment I send to the desk.

The Clerk read as follows :

On page 98 strike out all after the words "eighty-three," in line 35, down to and including line 40, and insert "the sum of \$10,735.53: *Provided, That* said corporations respectively shall give satisfactory security to the Secretary of the Treasury that the said amount shall be paid to the several alien bondholders or stockholders or their representatives out of whose money said corporations paid the said taxes."

Mr. CANNON. I will state that this is an amendment precisely similar to the one offered this morning.

Mr. BURNES. I make the point of order against that amendment.

The CHAIRMAN. The Chair will hear the gentlemen on the point of order.

Mr. BURNES. A proposition to pay out money from the Treasury upon the bonds of a railroad company, or whatever may be the security, or the bonds of anybody else, or anything else, for that matter, is certainly in the nature of legislation, and ought not to be incorporated in this bill.

The CHAIRMAN. This seems to be the same proposition upon which the Chair ruled a while ago. The Chair overrules the point of order.

Mr. CANNON. I suggest to my friend from Missouri, this being the same class of question as was settled by the committee an hour or two ago, I will suggest to him that it be concurred in, as the other amendment was adopted.

Mr. BURNES. This is precisely the same question in every respect that was presented a while ago, when the committee incorporated an amendment upon a similar proposition for the payment of alien bondholders and stockholders whose money had been paid into the Treasury for taxes by the railroad companies. I have no objection to saying now, for the purpose of expediting business, that I will accept this amendment, if concurred in, with the understanding, of course, that we are to have a yea-and-nay vote in the House on this and the other.

The amendment was agreed to.

The Clerk read the following paragraph :

For reimbursement to certain States and Territories for expenses incurred in repelling invasions and suppressing Indian hostilities, act June 27, 1882, \$18,081.23.

Mr. WEAVER, of Nebraska. I offer the amendment which I send to the desk. The Clerk read as follows :

In line 176 strike out the words "certain States and Territories" and insert "the State of Nebraska."

Mr. BURNES. That amendment is wholly unnecessary and does not conform with the recommendations of the accounting officers of the Treasury. It would cause a discrepancy between one and the other. The appropriation is precisely for the purpose the gentleman from Nebraska desires.

Mr. WEAVER, of Nebraska. I see by his document, No. 225, that it is for Nebraska.

Mr. BURNES. Certainly ; it includes the State of Nebraska.

Mr. WEAVER, of Nebraska. I withdraw the amendment.

The Clerk read the paragraph following.

Mr. BURNES. This is another provision precisely like that we struck out a while ago. I move to strike out this paragraph.

The motion to strike out was agreed to.

Mr. WEAVER, of Nebraska. I desire to ask the gentleman from Missouri a question. I see this amount corresponds with the amount stated on page 2 of the Executive Document 210, which amount there is shown to be due the State of Nebraska. I ask if this item is intended to cover that ?

Mr. BURNES. It is intended for the State of Nebraska as a matter of course.

The Clerk read as follows :

For the payment of the claims on account of transportation of the Army and its supplies certified as due by the Second Comptroller in Schedule A, pages 21 and 22 of said Executive Document No. 210, except the claims numbered 4377, 5245, and 1308 enumerated therein, \$48,655.81.

Mr. CRAIN. I offer the amendment which I send to the desk.

The Clerk read as follows :

On page 110, line 42, strike out "5245," and in lieu of the sum proposed by the paragraph insert "\$59,405.81."

Mr. CRAIN. The object of the amendment is to provide payment of the claim of the representatives of T. J. League for the use and occupation of a wharf, coal-yard, and warehouse at Galveston, Tex., from December 1, 1865, to March 3, 1866. This claim was certified as correct by the quartermaster at Galveston, Tex., and was approved by the chief quartermaster, department of Texas. It arises from a contract which was made by the duly authorized officers of the United States with the ancestor of these heirs. A portion of the contract was paid prior to this time, and another portion for the occupation subsequent to that time. * * *

Mr. BURNES. The Committee on Appropriations left out this item, not knowing precisely the facts with regard to it. It looked a little as if it were a war claim, although the war had ceased. I understand it was judicially determined as ended in December, 1865.

As I understand the law, if this claim, whether by contract or seizure, had occurred in one of the States named in the proclamation of Mr. Lincoln as a State

in insurrection—and Texas was so declared—then it would come within the provision of the law. As to when the war closed in Texas, I do not know. The gentlemen on either side of this Chamber can tell that as well as any member of the committee.

Mr. CRAIN. Will the gentleman give me any reason why he thinks this amendment should not be inserted?

Mr. BURNES. I have already indicated the reason. I will say further to my friend from Texas that there was some question raised in regard to the *bona fides* of the claim, but that made very little impression upon my mind. However, the fact that the Government had paid for a part of the service at the commencement of the term or lease and had paid for a part at the close or in the after part of the term, and had left a part in the middle unprovided for, seemed to throw some doubt upon the matter.

The amendment of Mr. CRAIN was agreed to.

Mr. BUTTERWORTH. Mr. Chairman, I desire to offer an amendment, to come in at the end of line 45, page 110.

The CHAIRMAN. The amendment will be read.

The Clerk read the same.

Mr. BURNES. Mr. Chairman, I reserve the point of order against that amendment, and pending that I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose.

Mr. BURNES. Mr. Speaker, I ask unanimous consent to extend the time of the session this evening.

Several MEMBERS. No, no.

Mr. BURNES. Gentlemen present have been so faithful in their labors to-day that I shall not insist.

The House then (at 4 o'clock and 57 minutes p. m.) adjourned.

DEBATE CONTINUED, JULY 6, 1886.

Mr. BURNES. I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the purpose of resuming the consideration of the general deficiency bill.

The motion was agreed to, and the House accordingly resolved itself into Committee of the Whole House on the state of the Union and resumed consideration of the bill.

The CHAIRMAN. On the amendment submitted yesterday by the gentleman from Ohio [Mr. BUTTERWORTH] a point of order was reserved by the gentleman in charge of the bill [Mr. BURNES].

Mr. BUTTERWORTH. Mr. Chairman, when this amendment was offered last evening, just before the Committee of the Whole rose, my friend from Missouri reserved a point of order against the amendment. I do not know whether he did so from force of habit or whether he was serious. If he insists on the point of order, I would be glad to hear upon what it is based.

Mr. BURNES. Mr. Chairman, I am not aware of any law authorizing this amendment, unless we go back to some principle of the common law and by argument conclude that the provision is thereby authorized. If the gentleman from Ohio is aware of the law upon which this proposed appropriation is based he can readily present it, and when he shall have submitted it I will allow the Chair to pass upon it without any further argument.

Mr. BLOUNT. Before the gentleman from Missouri takes his seat I wish to ask him whether the present Comptroller has not rejected these accounts?

Mr. BURNES. Yes, sir.

Mr. BLOUNT. This bill, as I understand, provides simply for judgments and audited accounts, not for controverted claims.

Mr. BUTTERWORTH. Yes; that is true.

Mr. BLOUNT. Is it not also true that in this bill simply judgments and audited accounts are paid, not claims, so that on this bill the amendment is not in order?

Mr. BUTTERWORTH. I will state to my friend that these claims were heretofore examined, audited, and reported for payment, and a part of them was paid by the last Congress; but without authority and without jurisdiction some of them were returned to the present Comptroller, who proceeded to re-examine them and reports against their payment.

Mr. BLOUNT. How are we to determine the matter? Does the gentleman want us to assume that the Comptroller was not doing his duty in examining the accounts? I take it the presumption is the other way.

Mr. BUTTERWORTH addressed the Committee.

Mr. BURNES. May I interrupt my colleague for a moment?

Mr. BUTTERWORTH. Certainly.

Mr. BURNES. The gentleman from Ohio, my colleague on the committee, has alluded to the decisions of the Auditor and Comptroller, and has declared that the adjudication of these cases is in the nature of a final settlement. In other words, that they were *res adjudicata*. Now, if that be a true proposition I wish to call the gentleman's attention, because I do not want to be unfair to him, to the fact that the Auditor and the Comptroller in 1866 and 1867 considered these claims and decided against them, and the claimants slept on these decisions for years and years. Their successors did not consider that a thing adjudicated, and so they took up the cases again and had them allowed under a new decision, notwithstanding this previous adjudication. Then, under the statute, the Secretary of the Treasury was appealed to, and he had the authority to authorize the Second Comptroller to reinvestigate the second allowance after the first defeat; and upon that order of the Secretary of the Treasury the re-examination was had and the claims were decided adversely; so they have been decided against twice—once in 1866, and again in 1886.

Mr. BUTTERWORTH resumed his remarks.

Mr. BURNES. I desire to call the attention of the Chair to a point which I regard as absolutely sufficient to justify sustaining the point of order. The law under which claims like this come to the House of Representatives reads as follows:

And the Secretary of the Treasury shall report the amount due each claimant at the commencement of each session to the Speaker of the House of Representatives, who shall lay the claim before Congress for consideration.

I submit that although under the former so-called adjudication these claims were sent to a preceding Congress, they have not been sent, as the law requires, to this Congress, because they came here with an adverse report and are not sent here with a recommendation of their payment. They are not, then, before the Forty-ninth Congress under the requirements of the law that governs in this matter.

Mr. BUTTERWORTH. I will ask my colleague from Missouri if he is aware these claims were sent here in response to a request of this House? That is the way they came. I have the resolution here.

Mr. BURNES. They came in the general report from the Treasury Department.

Mr. BUTTERWORTH. This came here in response to the request of this House, under a resolution which I hold in my hand.

Mr. LONG. How is it of any consequence how this matter comes before the House? Even if it comes in the form of an amendment introduced by the gentleman from Ohio [Mr. BUTTERWORTH], the simple question on which the point of order turns is whether there is any law authorizing the payment of these claims. That law will be found in the section of the statutes which I presume the Chair has before him, section 3483, which provides for the payment of this class of losses.

Mr. BURNES. Mr. Chairman, as the gentleman from Ohio [Mr. BUTTERWORTH] has said a good deal about some of these claims having been paid, allow me to say in answer, that in the documents sent to the Forty-eighth Congress there appeared, under the head of the "Allowance for horses," some of these items, intermixed with smaller ones, and they escaped the observation of the committee and were unwittingly included in the bill. It will be remembered that there was an immense number of items in that part of the bill.

Mr. HOLMAN. In any event, Mr. Chairman, it is very manifest that the attention of the House was not called to the subject, because it was never discussed either in the Committee of the Whole or in the committee from which the bill came.

Mr. BUTTERWORTH. That relates to the merits of the case, not to the point of order.

The Chair overruled Mr. BUTTERWORTH's amendment.

The Clerk read the next paragraph.

Mr. BURNES. I move to insert the following amendment to cover payments the estimates for which have come in since the bill was printed.

The amendment was read and agreed to.

The Clerk read the following paragraph:

For 50 per cent. of arrears of army transportation due certain land-grant railroads, 1883 and prior years, \$1,331.54.

Mr. GALLINGER. I move to amend by adding after line 135, page 116, as a new paragraph, the following:

For payment of claim No. 4377, and certified as due by Comptroller in Schedule A, page 22, Executive Document No. 210, in favor of the Hoboken Land Improvement Company, \$15,800.

Mr. BURNES. I make the point of order that Schedule A has been considered in the Committee of the Whole and passed on. (See page 110 of the bill.)

Mr. GALLINGER. I did not hear the gentleman from Missouri.

The CHAIRMAN. He makes the point of order that this has been already considered and passed upon by the Committee of the Whole.

Mr. GALLINGER. I hope the gentleman from Missouri will not urge that point of order. This claim has special merit. It has been passed upon favorably by the last Comptroller, as well as by the present Comptroller. I was absent from my place when the proposition on page 110 was passed.

It would please me better if the gentleman from Missouri would not urge a point of order of that character.

Mr. BURNES. While I would like to accommodate my friend, if I should attempt in so plain a case to grant the favor he asks I would be obliged to grant every request of the same kind. On page 110 this particular item was excepted and passed upon specially and particularly. Therefore a reconsideration of the action of the committee certainly cannot be in order at this time.

The CHAIRMAN. The Chair was not aware at the time that this matter had already been determined on page 110, where it was specially in order. The committee having passed that portion of the bill, it, of course, is not in order to return to it now.

The point of order is sustained.

Mr. WINANS. I move, after line 198, to insert the following:

To pay Flint and Pere Marquette Railroad Company, for additional transportation, per order of Postmaster-General, No. 621, \$14,394.68.

Mr. BURNES. I raise on that amendment the same point of order decided a while ago, that this item has been already passed upon by the Committee of the Whole House on the state of the Union.

Mr. WINANS. I think this matter has not been considered at all, but excepted from consideration. I know of no good reason why it should be excepted. It is a deficiency submitted by the Comptroller. Others in the same category have been paid. What good reason there should be for its exception does not appear.

There seems to have been no consideration of this matter, and therefore I think the point of order is not good.

This, Mr. Chairman, provides for additional transportation, which arises out of the law of Congress, passed in 1876, authorizing or directing the Postmaster-General to reduce the compensation for transportation of the mails.

The CHAIRMAN. The Chair will remark to the gentleman from Missouri that the excepted claims are excepted by numbers. The Chair does not know whether they embrace the amendment now proposed or not.

Mr. BURNES. They embrace specifically the very amendment of the gentleman. This proposition has been already excepted.

The CHAIRMAN. Does the gentleman concede that his claim is covered by one of these numbers?

Mr. WINANS. I think that is true, Mr. Chairman.

The CHAIRMAN. The Chair thinks the point of order is good.

The Clerk resumed and concluded the reading of the bill.

The CHAIRMAN. Under the direction of the committee the Clerk will now return to that part of the bill which was passed over by consent.

Mr. ZACH. TAYLOR. By agreement of the gentleman from Missouri, in charge of the bill, I ask consent now to go back to the paragraph which was passed over at my request.

Mr. BURNES. I desire to suggest that we go back to the beginning of the bill, and will reach my friend from Tennessee as we come forward again.

Mr. CANNON. As we are to go back now to the beginning of the bill, in pursuance of the agreement, I ask recognition of the Chair for general debate upon this provision relating to the State Department.

The CHAIRMAN. The Chair will state that when this portion of the bill was passed over there was some agreement reached as to general debate; but the Chair would like to be informed by the gentleman in charge of the bill what that agreement was.

Mr. BURNES. I am at a loss to understand what agreement my friend refers to. I do not remember any agreement with reference to general debate. As a matter of course, if there is anything to be debated, it would be well to have some understanding, and particularly with the gentleman from Illinois; but I desire to state that it will expedite business if the gentleman will be satisfied to take such time as he may desire when the emergency arises. My impression is that nearly all of the first pages may be disposed of upon points of order, and it is unnecessary to discuss irrelevant questions, especially as we are now in need of all the time that we have at our disposal. At all events, let it be understood that the gentleman from Illinois is entitled to such time as he wants; and I know the committee has been liberal to my friend and will be, and I will consent that he shall have such time as he wants when the emergency arises.

Mr. CANNON. Touching these items of the State Department, I desire to say that I can much more satisfactorily debate the question which I desire to discuss at this time and consecutively. I do not want to be recognized a dozen times to make one speech. I would prefer to begin and conclude it now.

Mr. BURNES. What I want to suggest to my friend is that perhaps the very item he proposes to discuss may go out on a point of order; and therefore, after having the points of order passed upon, the gentleman can determine what subject he deems necessary to have general debate upon.

Mr. CANNON. That may seem well to the gentleman from Missouri; but these items under the head of the State Department, as they now stand, and no general debate ever having been had upon them, will form the subject upon which I desire to be heard.

Mr. BURNES. I think, in view of the proposition I made to my colleague, it could not be claimed that I am unreasonable, and I must insist upon the point that the argument should not be upon propositions or the criticism of portions of the bill that may go out on points of order. Let us get through with that first.

Mr. CANNON. The gentleman does not know and cannot know what my line of argument is to be or what I shall speak on.

Mr. BURNES. Certainly not.

Mr. CANNON. I merely rise in my place as a member of the committee demanding to be recognized for general debate, none having been had upon this section of the bill, and that was the agreement and the only agreement by which the bill was allowed to be considered before the general debate was closed.

Mr. BURNES. I am perfectly willing to accept the suggestion of my colleague on the committee, but I submit to him that he should not desire to argue propositions that may never come up for consideration. After we shall have passed on the points of order with regard to these propositions I pledge him, so far as I am able to do, any amount of time he may require on the questions before the committee which may be left in the bill.

Mr. BUTTERWORTH. I submit to my honorable friend from Missouri that the understanding was that we might revert to this part of the bill with the view of considering it as my colleague [Mr. CANNON] suggests. I think it only fair that my colleague should have the opportunity for debate which he desires. It will not consume much time, I am sure.

Mr. BURNES. I only ask what is reasonable, that the gentleman from Illinois shall withhold his argument until he knows what is to be argued about.

Mr. CANNON. I prefer to make my argument before the bill is disposed of, adopting the same course as we do with regard to all other bills.

The CHAIRMAN. The Chair has been permitting this colloquy to go on with unanimous consent with the idea that it might save time by some understanding being arrived at.

Mr. BURNES. Will the gentleman from Illinois [Mr. CANNON] say how much time he wants?

Mr. CANNON. I think I can conclude what I have to say in thirty minutes or perhaps in fifteen minutes.

Mr. BURNES. Will the gentleman then say fifteen minutes?

Mr. CANNON. I will say thirty minutes.

Mr. BURNES. Say twenty.

Mr. CANNON. I prefer thirty.

Mr. BURNES. You will not yield anything?

Mr. BUTTERWORTH. And then gentlemen on the other side can have what time they desire.

Mr. BURNES. If the gentleman from Illinois says I made any promise on the subject, as a matter of course I will stand by it.

Mr. CANNON. The RECORD will show for itself what the fact is. General debate on this part of the bill has not been closed.

Mr. BURNES. I am willing to yield half an hour to the gentleman, and as the gentleman from Ohio has said we might have what we desire on this side, I would suggest that we may take thirty minutes.

The CHAIRMAN. The gentleman from Missouri [Mr. BURNES] proposes that debate be allowed to run on these paragraphs, before reading them, for one hour—one-half hour to the gentlemen on the left and one-half hour to the gentlemen on the right—and then that general debate shall be closed.

There was no objection, and it was so ordered.

Mr. CANNON addressed the House upon "omissions of appropriations for salary in the diplomatic service, being a deficiency for the years 1885 and 1886," &c.

Mr. BURNES. I will yield five minutes to the gentleman from New York [Mr. BELMONT].

Mr. BELMONT. I do not think I shall occupy even that amount of time. These questions can be better settled as we proceed with the reading of the bill. I have amendments to offer covering the different points made by the gentleman from Illinois. I hope, therefore, we will not spend any more time in general discussion. I do not think my friend, the gentleman from Missouri [Mr. BURNES], intended injuriously to affect the State Department. * * * The Committee on Foreign Affairs did report a bill, which was carried through the House, containing an appropriation sufficient to avoid this difficulty. The gentleman from Missouri, representing the Committee on Appropriations, does not seem inclined to resist these proper amendments, except as they may be subject to the point of order.

Mr. CANNON. When has the gentleman from Missouri been converted?

Mr. BELMONT. I presume when he understood the facts.

Mr. CANNON. Oh, he understood the facts long before this bill was reported.

Mr. BURNES. Mr. Chairman, I apprehend that the Committee on Appropriations are of opinion that they had some good reason for not appropriating for the items mentioned by the gentleman from Illinois. I only wish to submit now to that gentleman one consideration, of which I think he has full knowledge. I believe it has not been the policy of that committee, and I am quite sure it has not been my policy, to consider in the allowance or disallowance of any estimate whether the administration which would have authority to expend it was Democratic or Republican. Whatever may be the feeling of the gentleman from Illinois upon that question, and whatever may be the force and effect of his unmitigated partisanship, I believe that he is conscious of the fact that so far as the majority of this committee is concerned, and so far especially as I am concerned, we are disposed to be more strict with our friends than with our political opponents.

In the Forty-eighth Congress it was believed by the committee and by the House that \$110,000 would be sufficient to defray the ordinary expenses of the consular service. That sum was appropriated and a deficiency ensued. At the second session of the Forty-eighth Congress a like sum was appropriated and expended and a deficiency ensued. The simple question, therefore, brought before the committee was not whether Mr. Cleveland, our President of the United States and a Democrat—and by the way the best and most growing that this country has ever had since the days of Andrew Jackson—would do his duty, but the question is whether one of his officials, one of his clerks, as Mr. Benton used to name them felicitously, should confine himself to the appropriations as made by Congress, or whether he should be permitted to expend exactly that which he believed was required by the necessities and dignities of the service.

In saying this, sir, I beg to add that I realize the full worth of the Secretary who is now at the head of the State Department. I believe that this House and

this Congress recognizes him as a gentleman whose integrity is above reproach and beyond all suspicion; and I will say furthermore that if I had any doubt upon either proposition, the fact that my friend upon my right [Mr. LORE] represents the State from which the Secretary hails would be sufficient to satisfy me that nothing vicious could come out of little Delaware.

But, Mr. Chairman, the Appropriations Committee has simply discharged their duty as they saw it. That committee had doubts as to the regularity and legality of these expenditures.

My friend from Illinois [Mr. CANNON] is as much exercised over the protested drafts that have been returned to the Government as a celebrated gentleman once was over the question of warming-pans.

- Why, sir, what are these drafts? When I draw a draft, unless I have some improper and unlawful purpose in view, I will ascertain in advance if there is money to my credit, and unless I have such assurance I cannot safely draw such draft. In fact I must ascertain that fact before I draw the draft. A man who draws a draft should have and must have a balance to meet that draft. The fault is not the fault of the Secretary of State; it is the fault of the accursed system under which that Department has been operated for twenty-five years or more. The whole system is wrong. We appropriate for the salary of a consul, say in China, \$3,500. That \$3,500 ought to be a sacred trust placed in the hands of the Secretary of the Treasury for the payment of that salary and exclusively for that purpose. That money ought to be set apart for him and used for no other purpose; and when it is otherwise used it seems to me it is unlawfully used. There never ought to be a deficiency in the consuls' salaries. There never should be a deficiency in the salaries for ministers, because the law has fixed their salaries and Congress has appropriated for them, and the amount has been placed at the disposal of the minister and the consul, to be paid to them through the proper channels.

Mr. BELMONT. Will the gentleman yield to me now for a moment?

Mr. BURNES. Certainly.

Mr BELMONT. * * * The salaries of consuls are divided into classes, and those whose salaries exceed \$1,000 are also entitled to a sum for rent equivalent to 20 per cent. of their salaries. The consular salaries for the present fiscal year, above those of \$1,000 per annum, amount to \$345,000. Twenty per cent. of this sum alone would be \$69,000, just \$1,000 less than the amount to be expended for rent this year. This rent charge is provided for under section 1706 of the Revised Statutes. Then under 1732 rent is to be allowed feed consuls, and this additional rent charge would much more than make up the difference of \$1,000. The amounts of the other main items of consular expenses are almost as certainly fixed as that of rent. For the first six months of the present year the expenses for postage have been \$12,000; for stationery and blank forms, \$11,934; for furniture, for \$1,669; traveling expenses, messenger service, and miscellaneous expenditures, \$12,000.

Now, the fund is provided by the last appropriation bill—but I beg pardon of the gentleman from Missouri [Mr. BURNES] for occupying his time—

Mr. BURNES. Go on.

Mr. BELMONT. I should not have done so except that I think he was under a misapprehension as to this part of the appropriation. The fact is the rent charge alone, under the law, amounted to about \$70,000, and the total appropriation was only \$110,000; so that all the other items which were necessary in the proper discharge of the duties of consuls in different parts of the world remain unprovided for. I cannot imagine any statute which could be so drawn as to provide them in each case. The only thing the House can do is to meet the repeated request of the Department, which by annual experience finds that about \$150,000 is necessary; and this year we have fortunately appropriated that amount for the year 1887. It seems to me if the gentleman from Missouri gives his attention to this matter he will not find objection to the amendment when it is proposed.

Mr. BURNES. I was pursuing a principle which was illustrated in the case of a consul in China. The same principle prevails, in my judgment, whether it is with reference to the payment of the salary of a consul or whether it has reference to an appropriation made for contingent expenses.

I have said that these things result from a mistaken system, and the system ought to be corrected; or the question ought to come directly before this House, which I regret to say is too frequently on its knees before Department clerks and before other branches of the Government. I say, sir, I would like exceedingly if this system could be changed. There are a certain number of gentlemen engaged in the foreign service—we will say there are three hundred and fifty consuls and consuls-general. Now, we appropriate not only to pay each one a certain salary, but we appropriate \$110,000 to pay the expenses of the service. If that is not sufficient, why do we appropriate at all? If deficiencies can be created at will, if at least this Department of the Government can be operated in disregard of appropriations, why appropriate at all? Why not give *carte blanche* to run that Department of the Government without appropriation? I am simply saying that of this \$110,000 the Secretary of State may well place to the credit of each consul (three hundred and fifty in number), first, the amount allowed for rent; secondly, a sum which experience teaches him to be sufficient for stationery, and so forth through the list. That sum can be divided out to each one of these consuls and consuls-general as well for the salary of each as for the contingent expenses of each. Why cannot this be done here? For the simple reason that this unbridled Department of the Government feels it is not in accordance with the dignity of the Republic to live on \$110,000 a year for the consular service, and therefore, regardless of the appropriation, \$150,000 are spent.

Mr. HITT. Will the gentleman—for he is speaking of a project which is new and the explanation of which will be very instructive to those carrying on the Government—will he explain a little more fully how he would have the fund distributed to each of the six hundred consuls and consular officers, as to all the minute classes of expenditures?

Mr. BURNES. If the gentleman will show me there are six hundred consuls and consuls-general I shall be very glad to receive the information.

Mr. HITT. Consuls and consular agents. There are that many consular posts

Mr. BURNES. We do not pay posts; we pay consuls.

Mr. HITT. The plan of the gentleman seems so far-reaching it should be applied all through. It would be very instructive to have it explained by the gentleman as a leading Democrat, so that we may know what is to be the policy of those who are to carry on the Government in this minutely classified way.

Mr. BURNES. So far as I am concerned, weak as I am and inexperienced as I am in regard to the affairs of the Government, I would have every Department of the Government, whether the administration be Republican or Democratic, live within the means provided for its support by the Congress of the United States. [Applause on the Democratic side.]

But, Mr. Chairman, I have said that having particular confidence in the *bona fides* of this expenditure, being quite sure that the excellent gentleman who presides at the other end of the Avenue and that the gentleman at the head of the Department of State are honest and faithful in the discharge of public duties, although each is liable to make mistakes, as we all are—having this confidence, I propose and the Committee on Appropriations propose to submit to the gentleman occupying that chair, a gentleman distinguished for his learning and legal ability, to submit to him, as a question of law under the rules of the House, whether these expenditures are sanctioned by law or not. If they are not sanctioned by law, why should we pay them. And if they are sanctioned by law we will, as a matter of course, admit the amendments of my friend from New York [Mr. BELMONT] when he offers them. If these expenditures are contrary to law, then these gentlemen must come before the House and ask for compensation as thousands and tens of thousands of other good men have done who have had claims against the Government, and in that case they have simply mistaken the tribunal in which their claims should be considered. We are compelled under the rules of this House, which we, the Appropriation Committee, have sought at every step and stage to honor and respect, to make no appropriation for any object that was not authorized by law. I remember the other day the eminent and illustrious gentleman from Texas [Mr. REAGAN], the distinguished gentleman from New York [Mr. HEWITT], the distinguished gentleman who is at the head of the Committee on Appropriations [Mr. RANDALL], and others declared in Committee of the Whole, with the applause of Democrats and Republicans both, that hereafter they would emphasize their opposition to provisions of appropriations unauthorized by law by voting against every appropriation bill that made such appropriations.

We have followed our conceptions of our duty under the rule; we have lived up to them. If these claims are meritorious and are within the rule, put them in this bill, and let us then understand that if a claim is meritorious the rules will not shut it out. I have said this much, sir, simply because my distinguished friend from Illinois [Mr. CANNON] (who knows how to aggravate us sometimes, though always in a pleasant way) has dared to impute to us a disposition to act in one way when we have a Democratic President and in another way when we have a Republican President. If the application of his remark was not to me, it was to the committee, and equally undeserved. Reserving the balance of my time, I ask for a decision.

The Clerk read as follows :

French and American claims: For payment of the amount necessary to strike a balance with France, after the payment, under the final award made by the late French and American Claims Commission against the United States, of the claims of French citizens against this Government, under the treaty of January 15, 1880, between this country and France, \$15,639.16.

Mr. CANNON. I offer an amendment which I send to the desk.

The amendment was read.

Mr. BURNES. Mr. Chairman, I have the duty to discharge of making a point of order against the amendment as proposed. I do not know, sir, that it need be argued. I do not feel inclined to argue it. The whole subject is before you.

The CHAIRMAN. What is the ground of objection to the amendment?

Mr. BURNES. The ground of objection is that these are expenditures in excess of appropriations and in violation of existing law.

The CHAIRMAN. Does the gentleman mean that they violate any other law than the law limiting the right of expenditure to the amount that is appropriated?

Mr. BURNES. This is law :

No department of the Government shall expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract for the future payment of money in excess of such appropriation.

Nothing can be plainer. There is the naked law. I leave the question to the Chair.

The CHAIRMAN. Whether the Committee of the Whole or the House should appropriate money to meet expenditure beyond former appropriations is a matter for the committee to determine; it does not touch the point of order. This is a bill to appropriate money to supply deficiencies in appropriations for the first fiscal year 1886, and for other purposes therein stated. The very object of the bill is to appropriate money to meet expenditures beyond former appropriations. The point of order is overruled. The question is upon the amendment proposed by the gentleman from Illinois [Mr. CANNON].

The question being taken on the amendment, it was adopted.

The Clerk read the next paragraph.

Credit John A. Halderman, late minister and consul-general of the United States to Siam, the sum of \$124.68, paid by him for salary of interpreter from July 1, 1884, to December 31, 1884, before he had received information of the reduction of the appropriation for salary of interpreter to the legation at Bangkok, Siam, from \$1,000 to \$500, by the act of July 7, 1884.

Mr. CANNON. I submit the amendment which I send to the desk.

The Clerk read as follows :

To pay George C. Foulk, chargé d'affaires *ad interim* at Seoul, Corea, the amount of protest fees and expenses incurred by him on drafts returned on account of the exhaustion of the appropriation for salaries of ministers for the fiscal year 1885, against which they were drawn, \$24.01.

Mr. BURNES. I reserve a point of order on the amendment. I merely desire to call attention to the fact that there is no room for supposing that the salary in this case payable by law was not appropriated, and evidently it was drawn or ought

to have been drawn. Furthermore, it seems to me that \$24.01 is a pretty good fee for protesting one draft; but I submit this is on a par with a good many other propositions which we see presented here.

Mr. CANNON. In reply to the gentleman's remarks, which I understand to be upon the merits of the amendment—

Mr. BURNES. I have reserved a point of order.

Mr. CANNON. I am rising to speak upon the merits of the amendment. As I explained in the general debate, the salaries of *chargés d'affaires* are put in hotch-pot, and are drawn against in the same way as the salaries of ministers. This man was a *chargé* at Corea. He drew his draft for his salary. When that draft was presented there was no money to pay it, no doubt on account of the fund having been exhausted for the payment of other officers, and it was returned to him unpaid.

Mr. HITT. It is not on one draft, but a number of drafts.

Mr. CANNON. My colleague [Mr. HITT] is better up in all these matters of the diplomatic service than I am or than the gentleman from Missouri is, and he says it is on a number of drafts.

Mr. BURNES. It is one draft, and so stated in the amendment offered by himself as well as in the estimate.

Mr. HITT. It is stated as drafts; it is in the plural.

The CHAIRMAN. The Chair will hear what the gentleman from Missouri has to say.

Mr. BURNES. I have to say, Mr. Chairman, that there is no law authorizing this man to draw this draft on this Government or for paying to him for the expense of the protest of this draft. Whatever may be the regulation of the State Department, whatever may be his presumed authority, there is no law authorizing him to have refunded to him the expense of protest of a draft drawn by him on the Government,

The CHAIRMAN. The Chair will ask the gentleman from Missouri how these consular officers are paid. How are their salaries sent to them?

Mr. BURNES. The Department sends drafts to the party entitled to payment. It may be possibly on London. The draft ought to be the draft of the Government. This gentleman in Corea, a country recently discovered, it appears drew his draft upon the Government here. What law authorized him to do so? That draft was protested. What law is there requiring us to pay the expense of that protest?

Mr. CANNON. I understand from my colleague [Mr. HITT], who has had long experience in the diplomatic service, as well as from an investigation I have made into the subject myself, that some of our diplomatic corps are paid by our bankers in London, but our diplomatic officers in Asia and other places throughout the world are paid by drafts drawn upon the Government on other bankers than those in London.

The CHAIRMAN. But the gentleman from Missouri says there is no authority in law for the drawing of any such drafts.

Mr. CANNON. The gentleman from Missouri understands such to have been the unbroken practice.

Mr. BURNES. It has been the practice; there is no doubt about it.

Mr. CANNON. In the absence of authority to send disbursing officers about the world as the Army paymaster pays the Army, of course the payments will be made according to the commercial usages of the world, which, as we know, are well established.

Mr. HITT. The officer at the close of the quarter draws his draft against the place where the money of the Government is nearest at hand. His commission is his authority from day to day, and it gives him credit in the eyes of the bank. When there is no money in the distant bank the draft goes back to the local bank and there awaits payment. As the gentleman says, it is dishonored.

Mr. HOLMAN addressed the Committee.

Mr. CANNON. In answer to the gentleman from Indiana I will state that this estimate comes from the Secretary of the Treasury, transmitted by the Secretary of State, for these protest fees on the draft drawn, which was stated to be in payment of salary. Some little credit must, I take it, be given to the estimates that are formally and in due course of law submitted. I think it is a mean government that will not appropriate in advance for the payment of the salaries of its employes, to pay its consular officers and others; and a meaner government still not to pay the poor fellow the \$24 on this protested paper.

Mr. BURNES. I wish to correct the gentleman from Illinois. I object to his stating that the draft was \$24.

Mr. CANNON. I said that was the amount of the protest.

Mr. BURNES. The exact amount is \$24.01. That 1 cent is the straw that breaks the camel's back.

Mr. CANNON. If there is any difficulty about that, I will pay the 1 cent myself. The question being taken on Mr. CANNON's amendment, it was adopted.

Mr. MORROW. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert after line 40:

"To enable the accounting officers to pay to Charles L. Scudder for his services as clerk to the United States legation at Corea from March 29, 1883, to March 9, 1885, the sum of \$3,500."

Mr. BURNES. I make the point of order on this proposition that there was no law authorizing the appointment of that officer, no law authorizing him to serve.

Mr. MORROW. It appears from a letter from the Secretary of State that the clerk's fees or salary at this particular point should have been paid out of the contingent fund of the Department of State, and that that fund was simply not sufficient to pay the amount of salary. On the point of order I desire to have read the letter of the Secretary of State in answer to an inquiry about this claim.

Mr. BURNES. Let me draw the line somewhere. Let me say that the contingent fund is appropriated for clerk hire at certain places. This gentleman's name is not included, nor is this consulate included. Furthermore, as regards the general sum appropriated for clerk hire, that is to be used at the discretion of the Secretary of State. There is no law for this.

The CHAIRMAN. Does the gentleman from California concede there is no law authorizing this appropriation?

Mr. MORROW. I do not. The law provides a contingent fund, but so far as the clerk at Corea was concerned, as it was a new legation established by law, the contingent fund for that year was not sufficient.

The CHAIRMAN. The Chair will ask the gentleman from California to show the authority for this appropriation.

Mr. MORROW. It is contained in the letter which I have sent to the desk.

The letter which was from the Secretary of State was read.

The point of order was sustained.

The Clerk read the next paragraph.

Mr. BELMONT offered the following amendment:

To enable the accounting officers to effect a proper settlement of the accounts of certain consular officers, being deficiencies, as follows: For the fiscal year 1885, \$34,970.35; for the fiscal year 1884, \$2,174.87; in all, \$37,145.22.

Mr. BELMONT. I ask a vote on that amendment.

Mr. BURNES. Mr. Chairman, I make a point of order on that amendment, and I desire to call the attention of the Chair to the difference between the question here and the questions that have been already passed upon. The consuls who created these deficiencies created them by withholding from the Treasury of the United States certain sums of money received by them for fees, and which it was their duty under the law to pay into the Treasury. Instead of paying those fees into the Treasury, as required by law, they withheld them under the pretense that it was necessary to use them in their business or in the consular service, and they now owe the Government that amount of money, and this appropriation is asked to cover what seems to me to be legally the defalcation of these officials.

Mr. HITT. Does the gentleman from Missouri [Mr. BURNES] say that the members of the consular service have retained these fees without authority of law? The law of 1884 expressly marks the limit up to which they are allowed to retain and apply to expenditures the fees, and beyond that limit they are required to pay them into the Treasury and pay the expenditures out of their own pockets. They had done this, and the Secretary, after examining their accounts, sends us this estimate of the deficiency that we owe and ought to repay them.

Mr. BURNES. I wish to ask the gentleman from Illinois a plain question: Is it not a fact that these consular officers do receive official fees which they are required by law to cover into the Treasury of the United States?

Mr. HITT. They are required to pay into the Treasury the fees received above and beyond a certain limit.

Mr. BURNES. Now, I wish to ask the gentleman whether in these cases under consideration the consuls have not used this money and withheld it from the Treasury, and is not this appropriation sought in order to cover the deficit so made?

Mr. HITT. Not at all. The Secretary of State has reported that these consuls have paid these expenses out of their own pockets, and these very amounts are found to be the amounts due to these officers for expenditures made in lieu of and above the fees they have received and expended. They are required to account

for and turn in the fees after they reach a certain limit, and pay further expenditures themselves, and they have done it.

The question being taken, Mr. BELMONT's amendment was adopted.

The Clerk read the next paragraph.

Mr. BELMONT. I move to amend by inserting after the paragraph just read the provision which I send to the desk.

The Clerk read as follows:

To enable the accounting officers, without the payment of any money from the Treasury, to reimburse appropriations for the consular service of 1885 the amount of loss on bills of exchange paid from said appropriations, being a deficiency for the fiscal year 1885, \$1,387.90.

Mr. BURNES. I trust my friend from New York [Mr. BELMONT] will accept an amendment to his proposition; otherwise we publish to the world what seems to be a fraud on its face. I suggest that the gentleman strike out the words "without the payment of any money from the Treasury." Those words relate to the balancing of the accounts, and they show on their face what I do not like the world to see—that we are allowing credit for money which has been withheld. Such a thing does not look well in a public document.

Mr. BELMONT. I see no objection to the gentleman's suggestion. I will only say that the wording of the amendment was taken from the estimates as they have been before the Committee on Appropriations.

Mr. BURNES. That is true.

The amendment as modified was agreed to.

Mr. BELMONT. I move the following amendment:

Page 7, amend by inserting after line 154 as follows: To meet a deficiency in the salaries of *chargés d'affaires ad interim* for the fiscal year ending June 30, 1886, \$8,100.

Mr. BURNES. I apprehend this is not subject to the point of order, but I ask both sides of the House to vote it down. This is a worthless, soft service, and I do trust that is something this House will vote out of this bill.

Mr. BELMONT. This is to provide compensation for those officials of the United States who are now at their posts of duty. In the case of Vienna, where we have no representative, the secretary of legation is entitled to one-half of the pay of the minister during the period of vacancy. * * *

Mr. BUTTERWORTH. I understand this amount to be due?

Mr. BELMONT. Yes, sir; it is due now; and, further, I will say that there are at the State Department a number of protested drafts——

Mr. BUTTERWORTH. I did not ask with the hope of influencing the House. They are not in the habit of paying debts that are due.

Mr. BELMONT. This is due, and I hope the amendment will be adopted. I ask a vote upon it.

Mr. HITT. Before the vote is taken I would like to answer an assertion made by the gentleman in charge of the bill [Mr. BURNES] that the officers performing this duty have a "soft and worthless" service. When these gentlemen perform the duty of *chargé d'affaires* they perform a laborious duty, and it is one that is so

far from being soft that it generally beggars them for the rest of the year, unless they happen to have private means of their own by which they can support these extraordinary expenses as chargés entirely independent of the salary they receive from the Government.

The amendment of Mr. BELMONT was rejected.

Mr. BURNES. I now ask unanimous consent, Mr. Chairman, that the Clerk of the House may arrange the different items that have been put into the bill under proper heads. They have been put in at irregular places and at intervals, and it will be almost impossible to pursue them unless they are rearranged.

The CHAIRMAN. Does the gentleman apply that request to the entire bill?

Mr. BURNES. Only to the State Department.

There was no objection, and it was so ordered.

Mr. BURNES. I now call the attention of my friend from Tennessee [Mr. TAYLOR] to the fact that I promised him to be heard.

Mr. ZACH. TAYLOR. I move the adoption of the amendment which I send to the desk, to be inserted after line 1590.

The Clerk read the amendment, which was to make provision for the payment of

FINDINGS OR AWARDS OF THE COURT OF CLAIMS.

Mr. BURNES. I reserve the point of order.

Mr. ZACH. TAYLOR. Will the gentleman please state what is his point of order?

Mr. BURNES. I reserve it in order to enable the gentleman from Tennessee to give an explanation of his amendment.

Mr. ZACH. TAYLOR. These are claims that have been approved by the Court of Claims and referred to Congress, in pursuance of law, for appropriation by Congress to pay them. I cannot see any difference between these claims and those admitted under the amendment proposed by the gentleman from Wisconsin [Mr. GUENTHER] for damages by the overflowage of the Fox and Wisconsin rivers. I have a certificate from the clerk of the Court of Claims certifying that these awards or findings of the court had been made.

Mr. HOLMAN. The point of order is that there is no law authorizing the payment of these claims. These, if I understand the gentleman from Tennessee correctly, are claims that have been referred to the Court of Claims under the act of 1883, known as the Bowman law. That act, as the Chair will remember, provides for the reference by a committee of either House of Congress of any pending claim to the Court of Claims for the purpose of ascertaining the facts, and the court is required simply to report the facts to Congress.

The Chair held that the amendment was out of order.

Mr. BURNES. I ask leave to submit the amendment which I send to the desk. The Chief Clerk read as follows:

On page 64, line 1569, after the word "cents," insert: "Anne H. Elliott, \$505.93, and Emily Elliott, \$505.93;" and in lines 1569, 1570, 1571, in lieu of the sum proposed, insert \$683,228.12.

Mr. BURNES. I ask to have read the letter of the Secretary of the Treasury transmitting those claims.

The letter having been read, the amendment was adopted.

Mr. BURNES. Unless there be something else that has been passed over or unless we are under obligations to some member, I will move that the committee rise.

The motion was agreed to. The committee accordingly rose and reported the bill with sundry amendments to the House.

Mr. BURNES. I move the previous question on the bill and amendments.

The previous question was ordered.

Mr. BURNES. I ask unanimous consent that the time of the session to-day be extended until 6 o'clock, or until this bill is completed.

The SPEAKER. •Is there objection to the request of the gentleman from Missouri?

A MEMBER. I object.

The SPEAKER. Are there any amendments upon which a separate vote is demanded?

Mr. BURNES. Yes, sir; there are several.

Mr. TURNER. I ask a separate vote on the amendment proposed by the gentleman from Iowa [Mr. HEPBURN] making an allowance of \$1,000 in connection with some former election contest in regard to members of the House from the State of Iowa.

Mr. REAGAN. I ask a separate vote on the amendment giving an extra month's pay to the employés of the House.

Mr. BURNES. On page 72 there is an amendment in regard to the refunding of taxes illegally collected from railroads upon which I am instructed to ask a separate vote; also an amendment on page 98; also an amendment on page 65, in relation to the improvement of the Fox and Wisconsin rivers.

Mr. HOLMAN. On page 110 there is an amendment offered by the gentleman from Texas [Mr. CRAIN] upon which a separate vote is desired.

Mr. BURNES. I will call the attention of the gentleman from California [Mr. MORROW] to the fact that he was to ask for a separate vote upon the item for the compensation of California members in the contested-election cases.

Mr. MORROW. I do not know, Mr. Speaker, that it is exactly proper that I should ask a vote on that, one way or the other. The gentleman from New York [Mr. PAYNE] can state whether a separate vote is desired or not.

Mr. HOLMAN. That was not reported to the House, I believe. I think there was an agreement that the gentleman from California [Mr. MORROW] might move to amend the proposition submitted by the committee.

The amendments reported from the Committee of the Whole on the state of the Union, except those on which separate votes were demanded, were then agreed to.

Mr. BURNES moved to reconsider the vote by which the amendments were agreed to, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The first amendment on which a vote was desired having been voted upon and agreed to, the House, at 5 p. m., adjourned.

DEBATE CONTINUED, JULY 9, 1886.

The SPEAKER. By order of the House two bills have been postponed and made special orders for this morning. The Clerk will report the title of the first of those bills.

The Clerk read the title.

Mr. BURNES. I move to postpone the consideration of that bill until next Friday, all rights being retained.

Mr. RICHARDSON. With that understanding, representing the bill, I consent to the postponement.

The SPEAKER. If there be no objection that order will be made.

There was no objection.

The SPEAKER. The Clerk will report the title of the joint resolution, which was also by special order fixed for consideration to-day.

The Clerk read the title.

Mr. BURNES. I make the same motion with regard to the postponement of that joint resolution.

Mr. OATES. This resolution has been postponed seven times and stands on the Calendar with a favorable report from the Committee of the Whole. There is nothing for us to do but to take it up and vote on it, and I trust this House will in justice not postpone it any further, but will now dispose of it.

The question being taken on the motion of Mr. BURNES, the Speaker stated the "ayes" seemed to have it.

Mr. OATES. I call for a division.

The House divided; and there were—ayes 119, noes 14.

Mr. OATES. No quorum.

The SPEAKER. The Chair appoints as tellers the gentleman from Alabama [Mr. OATES] and the gentleman from Missouri [Mr. BURNES].

Mr. OATES. On the assurance of gentlemen that they will aid me in getting the joint resolution disposed of next Friday, I withdraw the point as to a quorum.

Mr. BURNES. I move to dispense with private business for to-day.

The motion was agreed to.

Mr. BURNES. I move to dispense with the morning hour for the call of committees for reports.

The motion was agreed to (two-thirds voting in favor thereof).

The SPEAKER. The Clerk will report the next amendment to the general deficiency bill.

The Clerk began to read the amendment.

Mr. BURNES. Mr. Speaker, that amendment is a very long one, and I think we can save time by not reading it in full. It embraces the judgments for damages by the overflow of lands on the Fox and Wisconsin rivers, and it will be found printed at length in a previous issue of the CONGRESSIONAL RECORD. I therefore move that the present reading of it be dispensed with.

There was no objection, and it was so ordered.

The question was taken on agreeing to the amendment, and the Speaker *pro tempore* [Mr. HAMMOND] announced that the noes seemed to have it.

Mr. BURNES. Mr. Speaker, I dislike to make the point of no quorum, because so much time is consumed in the count by tellers, but I will ask for the yeas and nays upon agreeing to this amendment.

The question was put to a yea-and-nay vote, and the amendment was adopted.

The next amendment from the Committee of the Whole on which a separate vote was demanded was read, as follows:

"To enable the Clerk of the House of Representatives to pay to the officers and employes of the House of Representatives borne on the annual and session rolls on the 30th day of June, 1886, including the Official Reporters of the two Houses and the Capitol police, one month's extra pay at the compensation then paid them by law, which sum shall be immediately available."

Mr. REAGAN. I will ask the yeas and nays at once on this proposition without further delay.

The question being taken on ordering the yeas and nays, there were yeas 31, noes 131—less than one-fifth voting in the affirmative.

Mr. REAGAN. I call for tellers on ordering the yeas and nays.

Before the result of the vote on ordering tellers was announced,

Mr. REAGAN said: I make the point that no quorum voted upon the last vote.

The SPEAKER *pro tempore*. No quorum is needed on the question of ordering the yeas and nays. There was not one-fifth of a quorum voting in the affirmative. [Cries of "Regular order!"]

Mr. REAGAN. I asked for tellers on ordering the yeas and nays.

The SPEAKER *pro tempore*. The vote was taken on ordering the yeas and nays; and there were—yeas 31, noes 131.

Mr. REAGAN. But before the result was announced I made the point that there was no quorum voting on that vote. [Cries of "Too late!"] It is not too late; the announcement of the result had not been made.

The SPEAKER *pro tempore*. Perhaps the gentleman from Texas did not hear the announcement of the Chair that no quorum is needed upon the question of ordering the yeas and nays, but in fact there were 162 voting.

Mr. REAGAN. How many rose on ordering tellers? [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The "regular order" is for gentlemen to be quiet enough to allow the Chair to hear what is going on.

Mr. BURNES. I rise to a question of order. The point I submit is that an evident majority of the House is not disposed to let a minority present its views to the Chair. I demand that we shall have such order as will enable us to be heard by the Chair. Now, I understood the Chair to say that there were not one-fifth in favor of tellers. I ask whether it requires one-fifth. Does it not require only one-eighth?

The SPEAKER *pro tempore*. The Chair understands that it requires one-fifth of a quorum to order tellers.

Mr. BURNES. The point I present is this: It requires one-fifth of those present to order the yeas and nays; but I have never understood that it required one-fifth

of those present to obtain tellers upon any question; and the proposition now pending before the Chair is as to what number is required in order to obtain tellers.

The SPEAKER *pro tempore*. The Chair will cause the rule to be read.

The Clerk read as follows:

5. He shall rise to put a question, but may state it sitting; and shall put questions in this form, to wit: "As many as are in favor (as the question may be) say ay;" and after the affirmative voice is expressed, "As many as are opposed say no;" if he doubts, or a division is called for, the House shall divide; those in the affirmative of the question shall first rise from their seats, and then those in the negative; if he still doubts, or a count is required by at least one-fifth of a quorum, he shall name one from each side of the question to tell the members in the affirmative and negative; which being reported, he shall rise and state the decision.

The SPEAKER *pro tempore*. The question now is on the adoption of the amendment.

The amendment was again reported, and was finally adopted on a yea-and-nay vote.

At 5 o'clock the House took a recess until 8 p. m. for the purpose of considering pension business.

DEBATE CONTINUED, JULY 10, 1886.

The remaining amendments upon which a separate vote was demanded having been passed upon, the bill was ordered to be engrossed and read a third time.

The question recurred on the passage of the bill.

Mr. BURNES. Mr. Speaker, I desire to inquire now if I am entitled to my hour?

The SPEAKER. Unless the previous question is ordered the bill is debatable as any other proposition. The previous question heretofore ordered has been exhausted, and the gentleman is entitled to the floor.

Mr. BURNES. I simply desire, sir, to say that, with my view as to some of the amendments incorporated upon the bill, it will be impossible for me to vote for it. I yield to my friend from Texas [Mr. REAGAN].

The SPEAKER. How much time?

Mr. BURNES. As much as he may desire.

Mr. REAGAN addressed the House, followed by Mr. HEMPHILL and Mr. McADOO, to each of whom Mr. BURNES extended part of his time.

Mr. HISCOCK. I ask the gentleman from Missouri to yield to me for three minutes.

Mr. BURNES. I will do so with pleasure.

Mr. HISCOCK. I only desire, Mr. Speaker, in that brief period of time to call the attention of the House and the country to this fact: that every day's session of this Congress costs the country, costs the tax-payers (I am now speaking for the tax-payers) \$30,000.

And I ask gentlemen on this floor to compute just how long these speeches over a one-thousand-dollar claim, or a two-thousand-dollar claim, or any little insignificant claims—these speeches in the interest of economy, for the protection of tax-payers, in behalf of the poor man that gentlemen seem to have always near

their hearts while here in Congress—I say, I ask them to compute the length of time these speeches have protracted this session, and just how much they have cost these tax-payers, and in my judgment they will make discovery of the fact that on every little item which we can find in an appropriation bill to talk about economy it costs the country and costs the tax-payers in the aggregate five times the whole sum involved in the item that you are discussing.

Mr. BURNES. Mr. Speaker, the sympathy of the distinguished gentleman from New York for the overburdened tax-payers is fully appreciated, and appreciated at its full worth by me. So long as the gentleman from New York could vote in propositions upon this bill to appropriate money by amendments to the bill there seemed to be limit neither to his speech nor to his desire for expenditure; but now, at the close of the discussion, after he and his associates have loaded the bill down with amendments that cannot possibly meet the judgment of the country, he comes and talks about the expenses that we are incurring in honest efforts to rid the bill of appropriations which are, in my honest opinion, but little less than legalized robbery.

Mr. HISCOCK. I want to ask the gentleman a question: Who is it you are referring to when you say “he and his associates?” [Cries of “You!” on the Democratic side.]

Mr. BURNES. I had supposed, Mr. Speaker, that it was entirely unnecessary to be more explicit in my statement.

Mr. HISCOCK. No, sir; it is not unnecessary; it is entirely necessary that the gentleman should state it, for I want to say to the gentleman from Missouri that in the main I have stood by him and his committee with the bill.

Mr. BURNES. Then let me congratulate the gentleman, for when he stands with the committee he is distinctly in the right. [Cries of “Oh!” and derisive laughter on the Republican side.] And furthermore, I appreciate the personal integrity and honor of the distinguished gentleman from New York, and concede that his action is generally commendable; but if we are to be charged with the number of hours we occupy here in speech the gentleman from New York will stand debited as high as any member upon this floor.

Mr. HISCOCK. No, sir; you are clearly mistaken about that. The gentleman has now right around him, within reach of his hand, gentlemen who have consumed far more time than I have. The gentleman on your right [referring to Mr. SPRINGER] takes the most time.

Mr. BURNES. No matter. If I read aright the hearts of the people of this country they will stand any amount of expenditure, either in time or money, in striking out from this or any other bill an appropriation such as that against which we are now contending. They will have no objection to the expenditure we incur for that purpose. Although I ought to stand by this bill in the ordinary course of nature, because I look upon it somewhat as a child or bantling of my own, over which I have stood watch and ward for several weary months, giving it the severest labor, yet I would feel dishonored when I returned to my constituents if I had to say to them I helped vote away your money to gentlemen who, whatever their merits, and I do not doubt they are great, have no more claim or right to that

money under the laws of the land than the veriest beggar who walks upon Pennsylvania avenue. As the bill is now amended I shall vote against its passage. I now demand the previous question.

Mr. REAGAN. Pending that, I move to recommit the bill with the instructions I send to the desk.

The Clerk read as follows :

That the bill be recommitted to the Committee on Appropriations with instructions to strike out that portion of the bill which provides for one month's extra compensation for the annual and session employes of the House and to the House reporters and Capitol police.

Mr. REAGAN. Upon that I move the previous question.

Mr. GROSVENOR. I move to amend the instructions——

The SPEAKER. But the gentleman from Texas demands the previous question.

Mr. GROSVENOR. I want to strike out that Texas appropriation.

The previous question was ordered.

Mr. REAGAN. On the motion to recommit with instructions I call for the yeas and nays.

The yeas and nays were ordered and the motion to recommit with instructions was agreed to.

Later in the day Mr. BURNES obtained the floor and said :

Mr. Speaker, I rise to make a privileged report. In accordance with the instructions of the House, I report back from the Committee on Appropriations the bill (H. R. 9726) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1886, and for prior years, and for other purposes, with an amendment, striking out the provisions which the House instructed the committee to strike out.

Mr. CANNON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CANNON. I have been absent from the House two or three minutes, and I would be glad to know if the Committee on Appropriations has had a meeting. [Laughter.] I will ask my colleague, the chairman of the committee, whether the committee has had a meeting?

Mr. BURNES. Yes, sir.

Mr. REED, of Maine. Have they had a meeting since the House gave them these instructions?

Mr. RANDALL. The committee have had a meeting.

Mr. REED, of Maine. I understand that the meeting was before the instructions. [Laughter.]

Mr. CANNON. I have not received any notice of the meeting.

Mr. RANDALL. We made diligent search for you, but could not find you.

Mr. REED, of Maine. I understood that the committee have not had a meeting.

Mr. BURNES. Mr. Speaker, we have had a meeting, and have come to the conclusion which I have reported to the House.

The SPEAKER. And the gentleman from Missouri [Mr. BURNES] demands the previous question.

Mr. REED, of Maine. I wish to know the fact, and I think the House is entitled to know whether the committee have had a meeting or not.

The SPEAKER. The gentleman from Missouri has answered the gentleman from Maine. The Chair does not know. The gentleman from Missouri [Mr. BURNES] states that the committee has had a meeting.

Mr. REED, of Maine. Since the House instructed them? Does the gentleman from Missouri say that?

Mr. BURNES. I do not know, sir, just when the House instructed. I paid no attention to the time; I was in the Committee on Appropriations, and I was instructed to make this report.

Mr. REED, of Maine. Mr. Speaker, I want to see what this House is going to do——

Mr. TOWNSHEND. Is debate in order, Mr. Speaker?

The SPEAKER. The gentleman is simply calling attention to a fact. The gentleman from Missouri demands the previous question upon the amendment and upon ordering the bill to be engrossed and read the third time.

Mr. REED, of Maine. And I call the attention of the Chair to the fact that there has been no answer to my inquiry and no statement that there has been a meeting of the committee since the instructions were given by the House.

The SPEAKER. The Chair cannot decide that matter. If the House desire not to proceed to consider the bill because the committee has had no meeting, the Chair will submit that question to the House; but the Chair will state that the committee had no discretion whatever to do anything except what has been done. It was instructed simply to report the bill back to the House with an amendment striking out a certain provision. That was the instruction and order of the House.

Mr. RANDALL. Which the committee have obeyed.

Mr. BROWNE, of Indiana. I move to recommit the bill to the Committee on Appropriations with instructions to strike out the amendment appropriating \$10,750 for use and occupation of a wharf, &c., at Galveston, Tex.; and on that motion I ask for the previous question.

The previous question was ordered.

The question having been put on agreeing to the motion of Mr. BROWNE, of Indiana,

The SPEAKER said: In the opinion of the Chair the "noes" have it.

Mr. BROWNE, of Indiana. I call for the yeas and nays.

The yeas and nays were ordered, and the question was decided in the negative.

The SPEAKER. The question recurs on the amendment of the committee to strike out one month's extra pay to the employes of the House.

Mr. GUENTHER. I demand a division on that amendment.

The House divided, and the motion to strike out was agreed to.

The SPEAKER. The question now is on ordering the bill to be engrossed and read a third time.

Mr. BURNES. I move the engrossment and third reading of the bill.

The bill was accordingly ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. BAKER. Is a motion to recommit in order?

The SPEAKER. The Chair has stated it would be under an express rule of the House.

Mr. RANDALL. One motion to recommit has already been made.

The SPEAKER. That was the ordinary parliamentary law that there should be but one motion before the bill was ordered to be engrossed and read the third time; but there is a rule of the House which extends the privilege so that one motion may be made to recommit after the previous question has been ordered on the passage of the bill. That was not the parliamentary law before.

Mr. BAKER. I move to recommit the bill with instructions to strike out the following paragraph.

The Clerk read the same.

The motion to recommit was not agreed to.

The question recurred upon the passage of the bill.

Mr. BURNES. On that I demand the previous question.

The previous question was ordered.

The question was taken on the passage of the bill; and the bill was passed.

DEBATE ON SENATE AMENDMENTS TO THE GENERAL DEFICIENCY BILL.

JULY 29, 1886.

Mr. BURNES. I ask by unanimous consent the House proceed to the consideration of the Senate amendments to the general deficiency bill as in Committee of the Whole.

Mr. HEPBURN. I object.

Mr. BURNES. Then I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the Senate amendments to the general deficiency bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, for the purpose, Mr. HATCH in the Chair.

Mr. BURNES. These amendments are one hundred and twenty-two in number. They aggregate the sum of \$1,892,195.77. The amount of the increase by the Senate committee on the bill as it passed the House is \$650,850.94. The additional items placed upon the bill by the Senate amount to \$1,241,344.83. As members are aware, the Committee on Appropriations recommend concurrence in a large number of these amendments and non-concurrence in the remainder. For the purpose of expediting business, and trusting that with the thermometer showing largely up in the nineties we may be able to pass upon these amendments within an hour, I ask that we proceed to the reading of the first amendment.

Amendments numbered 1 to 6 were read and passed upon.

Amendment numbered 7 was read, as follows:

To pay Fulton Paul, late consul-general at Bucharest, for protest fees and expenses incurred by him on his draft for contingent expenses for second quarter of 1884, while consul at Odessa, Russia, \$22.50.

Mr. BURNES. The Committee on Appropriations recommend non-concurrence in this amendment.

Mr. BUCHANAN. Will the gentleman please state some reason for non-concurrence? This money was undoubtedly expended by this officer, and necessarily expended. I trust the gentleman will give us some information in support of the motion to non-concur.

Mr. BURNES. I will answer the inquiry of the gentleman from New Jersey by saying that the committee was desirous of having the views of the Senate conferees with regard to the twenty-odd dollars charged for protesting a single draft. It is a small matter and will probably be concurred in finally; but in view of the fact that the Committee of the Whole House had a vote on this proposition when the bill was first considered, we desire to learn from the Senate conferees their views with regard to the seeming extravagance of this charge.

Mr. BUCHANAN. Then the motion to non-concur will have no special significance?

Mr. BURNES. Not at all. It simply carries the item into conference.

The amendment was non-concurred in.

Amendments numbered 8 to 22 were read and passed upon.

Amendment number 23 was read.

Mr. BURNES. The committee recommend non-concurrence.

Mr. REED, of Maine. Will the gentleman from Missouri explain this paragraph?

Mr. BURNES. This may be regarded as a general relief act in regard to all these claims heretofore rejected by the accounting officers.

Mr. REED, of Maine. Rejected since January 1, 1885.

Mr. BURNES. It has occurred to me, and I think it did to the committee, that this would be almost equivalent to the establishment of a new tribunal for the purpose of reviewing the action of the former accounting officers of the Treasury.

Mr. REED, of Maine. Not former accounting officers; the present accounting officers. Is not that so?

Mr. BURNES. I think it will be found that this proposition is in conflict with all the existing laws with regard to these matters. But I will say to my friend from Maine that we have not given this subject as thorough examination as we desire; we wish to learn from the conferees on the part of the Senate their reasons and views in reference to it, so that ultimately, if necessary, we may report to the House all the facts and law bearing upon the subject.

Mr. REED, of Maine. I suppose this provision results from what is considered on the part of the Senate unreasonable decisions of the Comptrollers of the Treasury.

Mr. BURNES. It may be so.

Mr. REED, of Maine. There have been public rumors of very queer action.

The amendment was non-concurred in.

Amendments numbered 24 to 61 were read and passed upon.

Amendment 62 was read :

To enable the Secretary of the Treasury to pay the United States and Brazil Mail Steamship Company for carrying the United States mails during the fiscal year ending June 30, 1886, \$36,000.

Mr. BURNES. The committee recommend non-concurrence.

Mr. DINGLEY. Before the order to non-concur is made on this amendment I will ask if it is a mere formal non-concurrence ; for it seems to me it is a claim that should be paid. The Postmaster-General entered into an arrangement with this steamship company to carry the Brazilian mails for \$30,000, or agreed to recommend to Congress the payment of that sum.

Mr. BURNES. At present, so far as the committee has information, it is probably a mere formal non-concurrence for want of sufficient data on which to base action. At the same time I will say we intend in conference to give it a thorough investigation, and if occasion arise will report it back to the House for instruction.

The motion to non-concur was agreed to.

Amendments numbered 63 to 68 were read and passed upon.

Amendment number 69 was read.

Mr. BURNES. The committee recommend non-concurrence.

Mr. HENDERSON, of Iowa. I think that is a matter which should be reported back to the House before the conferees finally settle upon it. I would be glad to have my colleague on the committee give his attention to this matter.

Mr. BURNES. I will say to my friend from Iowa that he knows it will be a great pleasure to me to report back any item which any gentleman desires to have further considered by the House. But he will remember that this matter has been heretofore fully considered in the Committee of the Whole, and if I shall be named as one of the conferees and can get the Senate conferees to recede from their position I shall be inclined to accept their surrender.

Mr. HENDERSON, of Iowa. That was a matter put through the House hastily, I think, and without much understanding of its provisions. It was subject to a point of order in the House, though none was made. There is a strong feeling growing in the House that injustice has been done by this action. For my own part, I think a different result might be had in the House now if it were fully considered.

Mr. BURNES. It will have full consideration ; the gentleman can trust the conference, I am sure.

The motion to non-concur was agreed to.

Amendments numbered 70 to 73 were read and passed upon.

Mr. BURNES. Mr. Chairman, all of the amendments from No. 73 to and including 82, are merely corrections in the spelling of proper names of those parties who are judgment creditors of the United States by the decisions of the Court of Claims. If this statement is satisfactory to the House I shall ask unanimous consent to concur in all of the amendments I have named.

There being no objection, the amendments from No. 73 to 82, inclusive, were concurred in.

Amendment numbered 86 was read :

To enable the Secretary of the Senate to pay to Mary C. Miller, widow of Hon. John F. Miller, late a Senator from the State of California, deceased, the amount of compensation as a Senator from March 9, 1886, to March 3, 1887, inclusive, \$4,931.50.

Mr. BURNES. The committee recommend concurrence.

The CHAIRMAN. Without objection——

Mr. PRICE. I object.

The question was taken, and the motion of Mr. BURNES was agreed to.

Amendments numbered 87 to 100 were read and passed upon.

Amendment numbered 101 was read :

To pay to the widow of the late Hon. WILLIAM H. COLE the amount of salary and allowance for stationery for the unexpired term of his services as a member of the Forty-ninth Congress, \$3,458.

Mr. BURNES. The committee recommend concurrence.

Mr. PRICE. I demand a vote on that.

The motion to concur was agreed to.

Amendments numbered 102 to 107 were concurred in.

Amendment numbered 108 was read :

To enable the Clerk of the House of Representatives to pay A. Vangeuder \$300 for extra compensation as assistant clerk to the Committee on Invalid Pensions during the present session of Congress.

Mr. REED, of Maine. I believe the committee recommended concurrence in that amendment?

Mr. BURNES. Yes, sir.

Mr. REED, of Maine. I offer the amendment I send to the desk.

The Clerk read as follows :

To enable the Clerk of the House to pay to the legal representatives of William Blair Lord, late one of the Official Reporters of the House, a sum equal to six months' salary and not exceeding \$500 for funeral expenses; in all, \$3,000.

Mr. REED, of Maine. I understand there will be no objection to that.

Mr. PRICE. I object.

Mr. CANNON. Mr. Chairman, I would be glad to know what the circumstances of this case are—whether this man left any children or widow.

Mr. REED, of Maine. He did not.

Mr. CANNON. No dependent relatives?

Mr. REED, of Maine. He left a brother, and a son of his wife, to whom he was very much attached and whom he made a member of his family in every way.

Mr. CANNON. An adult or minor?

Mr. REED, of Maine. An adult.

Mr. CANNON. What amount of property did he leave?

Mr. REED, of Maine. I do not know.

Mr. CANNON. I have an impression that he left a very considerable estate.

Mr. REED, of Maine. That is a mistake. I do not know the amount, but I have understood that it was not a large amount.

* * *

Mr. BURNES. Mr. Chairman, I feel that I ought to say something in regard to the amendment proposed by the gentleman from Maine [Mr. REED]. If this were an original proposition I should not hesitate a moment to oppose it; but when I look back over our proceedings at this session of Congress and at preceding sessions I find almost innumerable instances of appropriations of this character. In this very bill we have half a dozen such instances, to each one of which I am unalterably opposed on principle; but when such allowances are made by the House I am unwilling, so far as I am concerned, to draw the line at the proposition of the gentleman from Maine, and I shall support it.

Mr. OATES. Allow me to ask how many wrongs it takes to make a right?

Mr. REED, of Maine. I call attention to the fact that we have passed paragraph after paragraph similar in character to this, and it seems to me that objection, if there were ground for objection, ought to have begun earlier.

The question being taken on the amendment of Mr. REED, of Maine, it was rejected; there being—ayes 57, noes 64.

Mr. BURROWS. I offer the amendment which I send to the desk.

The Clerk read the same.

Mr. BURNES. I reserve a point of order on the amendment.

Mr. BURROWS. It will be remembered that by resolution of the House the Journal Clerk was authorized to make a compilation of the decisions on points of order and the revisions of the rules from the foundation of the Government, a work not only requiring great parliamentary knowledge, but involving very great labor. For this work he has received no compensation. Besides, he acts as clerk of the Committee on Rules. This amendment appropriates \$500 for the whole of these services. Similar allowances were made in the Forty-sixth and Forty-seventh Congresses. I trust that the amendment may be adopted, and that the matter may go to the committee of conference, so that they may have jurisdiction of the subject and make such report upon it as they think just and equitable.

The CHAIRMAN. Does the gentleman from Missouri [Mr. BURNES] insist on the point of order?

Mr. BURNES. I understand the point of order is based on the fact that it is the same proposition voted down during the first consideration of the bill.

Mr. BURROWS. I hope the gentleman will not insist on his point of order. Let the committee of conference have jurisdiction of the subject.

Mr. BURNES. I will withdraw the point of order.

Mr. REAGAN. I renew the point of order. I say that it is not authorized by law. It is giving a second salary after giving the first.

Mr. BURROWS. But let it go to the conference committee.

Mr. REAGAN. I do not want it to go; it has gone far enough now.

The CHAIRMAN. The gentleman from Texas renews the point of order against the amendment of the gentleman from Michigan.

Mr. BURROWS. Does the Chair think his point is good for anything?

The CHAIRMAN. The Chair sustains the point of order, and the amendment is ruled out.

The one hundred and ninth amendment of the Senate was read as follows:

For payment of sixty-five printers regularly employed on the CONGRESSIONAL RECORD, \$90 each, for time unemployed during the present session, \$5,850.

The CHAIRMAN. The Committee on Appropriations recommend non-concurrence.

Mr. FARQUHAR. I move to concur. I wish to say to the House, Mr. Chairman, that, under the law creating the Government Printing Office, printers of the CONGRESSIONAL RECORD are allowed 50 cents per thousand ems for composition, according to the scale of prices made in a neighboring city and according to the scale of the Government Printing Office. These men on the RECORD do our work immediately; they are our workmen; and a year ago, when this proposition was placed on the bill and carried through both Houses, the intention at that time was to amend the organic act so as to give these men 3 or 5 cents per thousand ems extra in order to pay them for the night-work which they performed. By some mistake, or by some misapprehension on the part of the person who was to bring forward the matter, it was not done, and so we find ourselves this year again passing this proposition.

These men, who are employed immediately by Congress, who are doing Congressional printing, have harder and severer work to do than any other employes in that Government Printing Office, while they are paid proportionately 20 per cent. less.

I simply ask in the interest of these men who do this Congressional work that they shall receive justice at the hands of this House.

Mr. BURNES. There is good deal of truth in what the gentleman says, and the Appropriations Committee in recommending non-concurrence had no other desire than thereby to place the House in a position to ascertain exactly what was the average waiting of these CONGRESSIONAL RECORD printers.

I will say, however, to the gentleman from New York [Mr. FARQUHAR] that we pay 55 cents instead of 50 cents per thousand ems, and that price is largely in excess of what is paid for similar services in the great printing offices of the country; but be that as it may, the motion to non-concur was made to allow the conference committee to ascertain something as to the average loss of time by waiting on occasions of adjournment and the like. I can assure the gentleman from New York we have no disposition to deal unfairly or illiberally with this class of employes, and will give him and other gentleman ample opportunity to express their views before any action is taken.

Mr. FARQUHAR. I am very glad to hear the gentleman in charge of this bill express his opinion so fairly as he has done. I think on full investigation it will be found that the money compensation as measured by the time is even less than that paid by the employing printers throughout the United States, and less for the

standing time than is demanded by any of the typographical unions. With the gentleman's assurance I withdraw the motion to concur.

The motion to non-concur was agreed to.

Amendments numbered 110 to 121 were read and passed upon.

Mr. BURNES. The remaining amendment, Mr. Chairman, numbered 122, embraces all the rest of the bill. It will require some time to read it; but, of course, if any gentleman desire to have it read I shall not complain. I ask unanimous consent, however, that it be non-concurred in without reading.

Mr. BAYNE. I have no objection to dispensing with the reading of the amendment, which is quite lengthy, but I desire to express the wish and hope that the committee will consider favorably the appropriations herein contained, and especially those cases that have been adjudicated by the Second Auditor and Comptroller.

Mr. BURNES. I will state to my friend from Pennsylvania the reason we moved to non-concur in this first paragraph is, that this list was sent from the Treasury Department since the bill was reported and has not yet been printed, and we have had no opportunity to examine the items in detail. We presume they will be found correct; but by the time we get the bill into conference the list will have been printed, and we will then be enabled to examine into the facts and give a satisfactory report to the House.

The CHAIRMAN. Without objection, the amendment will be non-concurred in.

There was no objection, and it was so ordered.

Mr. BURROWS. Mr. Chairman, since the submission of the proposition I made a little while ago, providing payment for additional services to the Journal Clerk, against which the point of order was made by the gentleman from Texas, I have taken occasion to inquire into the facts whether as a matter of fact that proposition was submitted to the House, and I find that it was, by the gentleman from New York [Mr. Hiscock], and a vote was taken on the resolution, or proposition, which was carried by quite a majority, but the point of no quorum was raised, whereupon the resolution was withdrawn. It was never, therefore, passed upon by the House finally, and I submit under the circumstances that the Chair will doubtless reverse its ruling and submit the amendment to a vote of the committee.

The amendment was again read.

The question was taken on the adoption of the amendment; and there were on a division—ayes 79, noes 52.

Mr. BURNES. I demand tellers, no quorum having voted.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. BURNES and Mr. BURROWS were appointed tellers.

The committee again divided; and the tellers reported—ayes 112, noes 52.

So the amendment was agreed to.

Mr. BURNES. I move that the committee rise and report the bill and amendments to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. HATCH reported the proceedings of the committee to the House.

Mr. BURNES. I move the adoption of the report, and upon that demand the previous question.

The previous question was ordered.

The report of the Committee of the Whole House on the state of the Union was agreed to, with the exception indicated.

Mr. BURNES moved to reconsider the vote just taken, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BURNES. To expedite business I move that the House request a conference with the Senate on the disagreeing votes of the two Houses.

The motion was agreed to, and the Chair appointed Messrs. BURNES, LEFEVRE, and McCOMAS as managers of the conference.

DEBATE ON CONFERENCE REPORT. ON THE DEFICIENCY BILL.

AUGUST 3, 1886.

Having presented the report—

Mr. BURNES said:

Mr. Speaker, it will no doubt be remembered that this bill, as it passed the House, aggregated a total appropriation of \$5,914,962.32. As it passed the Senate the aggregate total was \$7,807,158.09. It will be seen that the increase by the Senate was \$1,892,195.77. The net reduction in conference was \$956,833.06. The amount of the bill as agreed to in conference is \$6,850,325.03.

It will take me some time to go over the full particulars of the transaction and give a full account of each item discussed in the conference. If it be desired I will do so; if it is not desired we will save valuable time. [Cries of "No!"] I will not undertake, then, to go through every single item, but will move the adoption of the report. [Cries of "Vote!"]

Mr. CRAIN. I rise to make a point of order against one of the items of this report.

The SPEAKER. But the gentleman from Missouri has proceeded to discuss the report and the point of order now comes too late. It should have been made before the House entered upon the consideration of the report.

Mr. CRAIN. I was upon my feet ready to proceed, but the gentleman from Missouri was recognized, and I suppose he was simply giving the reasons for not discussing the report.

The SPEAKER. A point of order in the House must always be made before the House has entered upon the consideration of the subject.

Mr. CRAIN. I was prepared to make it. I ask the gentleman from Missouri to permit me now to make the point of order.

Mr. BURNES. If the consequences were not so serious with regard to the

delay a point of order might be made. I would not hesitate to render any accommodation or favor to my friend from Texas. But I am quite sure the arrangement made in the bill with regard to the claim to which I understand he refers will give a full and complete opportunity to consider it at the next session of Congress. It will, therefore, be impossible for me to yield to the request of my friend at this time.

Mr. CRAIN. I thought the proper time to make the point of order was after the gentleman presented the report.

The SPEAKER. Of course; but the proper time is when the bill or proposition, or whatever it may be, is read and presented for consideration. After the House has entered upon its consideration it is then too late to make a point of order.

Mr. BRECKINRIDGE, of Arkansas. I want to know from the gentleman from Missouri if the conference committee has adhered to its legitimate sphere?

Mr. BURNES. My impression is that it is not necessary to answer the question, since the point of order comes too late.

Mr. BRECKINRIDGE. It is entirely necessary.

Mr. BURNES. But we have no desire to withhold anything occurring in conference which the House ought to know or may desire to know. In one single paragraph of the bill as it passed the House there were certain items in Executive Document No. 210 excepted from appropriation. One of the items in that document which the Committee on Appropriations has reported to the House as so excepted was sustained by the House and the exception was stricken out. The Senate amended the paragraph by striking out all of the other excepted items. The House non-concurred in the Senate amendment and the conference ensued.

The conference was, of course, upon the disagreeing votes of the two Houses. The paragraph was, if I may be allowed the expression, a single entity. The Senate never agreed to the paragraph in its entirety. By its amendment the Senate said to the House, the paragraph will not be agreed to by the Senate unless the House will agree to the Senate amendment. The House replied by non-concurrence and a request for a conference—a full and free conference, mark you; that perhaps in such conference the House might recede from its disagreement, or the Senate might recede, or either might recede with or without amendment, any sort of an amendment, or by agreement the entire paragraph might be stricken out.

Now, if the whole paragraph could have been stricken out, as the greater includes the less, any part of it could have been stricken out. The whole of the paragraph was in conference. The Senate had not agreed to the paragraph or any part of it. The Senate only proposed to agree to the paragraph in the event that the House would concur in the Senate amendment. The House refused to concur and the Senate was free to do as it pleased in a full and free conference. No one will claim for a moment that if a complete paragraph—complete in itself—is agreed to by both Houses it can be changed in conference; but that is not this case. Here the two Houses did not agree as to this particular paragraph, nor as to any part of it. The Senate merely tendered an offer to agree to the paragraph on a specified condition.

The SPEAKER. The Chair thinks it is too late to raise the question of order.

Mr. BRECKINRIDGE, of Arkansas. No, this is for information. It is a question which goes to the merit of this report.

Mr. HENDERSON, of Iowa. On a question of information can we go into the merits of the whole question and open up this debate?

The SPEAKER. But the gentleman from Arkansas may desire to give that as a reason for not sustaining the report of the conference. The Chair does not know the purpose for which the gentleman rose, but assumes that the gentleman objects to the report because the conferees have stricken out a matter which had been previously agreed to by the two Houses.

Mr. BURNES. Not as speaking to a point of order, but in justification of the action of the conferees on the part of the House, I beg to submit to gentlemen better qualified to discuss parliamentary considerations and law than myself whether the facts in this case are of such a startling nature as to justify the House in manifesting any want of confidence in the gentlemen to whom they intrusted the duty of conducting that conference.

Here is a single paragraph in a bill. It has passed the House and been acted upon by the Senate. The Senate put upon the paragraph an amendment. If the paragraph had been agreed to by the Senate without amendment no one could even pretend to believe that the conferees could reconsider, amend, or change it in the slightest particular; but this single paragraph, as I have shown, was amended in the Senate, and thereby the whole of it was in conference. The Senate conferees proposed to recede from the Senate amendment on this paragraph with an amendment striking out another part of it.

Every word and line of the bill as it passed the House had been agreed to by the House. One part of that which passed the House was as sacred in conference as any other part; but only those parts were open to a full and free conference which were in a paragraph involved by a Senate amendment and a House non-concurrence therein.

The Houses had disagreed. They had not agreed. The paragraph was in a formative condition. The conferees found that the House had agreed to some of the provisions of the paragraph. The Senate had agreed to some provisions of the paragraph on condition only. Under these circumstances the conferees treated the paragraph as an entirety, and held that it was before them for alteration or amendment.

Mr. CRAIN. Will the gentleman permit me to interrupt him?

Mr. BURNES. In a moment. The Senate conferees were determined to defeat this claim or refuse to recede from the Senate amendment to the paragraph. This was a claim, like the others, excepted from allowance, and they very properly thought they ought all to fail together or be alike appropriated for. They said: "Let the Senate recede from its amendment to this paragraph, with an amendment striking out the appropriation and referring all these claims to the accounting officers of the Treasury to be reported together to the next session of Congress for consideration."

Whether the conferees have exceeded their powers is a question not now involved in the discussion. That is a question of law for the Speaker. If the House is at

all alarmed that the gentlemen who represented the House failed to stand for its rights and prerogatives as thoroughly as they might have done, let the fact be signalized by disagreeing to the conference report.

Mr. CRAIN. May I now ask the gentleman from Missouri a question?

Mr. BURNES. Yes, sir.

Mr. CRAIN. Is it not a fact that there is a difference between the items in that paragraph to this extent, that all but one were stricken out by the House and put back by the Senate and thereby became legitimate subjects for consideration by the conference committee, whereas the other item was passed in this House by a yea-and-nay vote, and was afterward passed by the Senate, and, therefore, was not a legitimate subject for consideration by the conference committee? If a conference committee is permitted to strike out items that have passed both Houses, and which, therefore, do not come within their purview, they could take any bill passed by the Senate and the House, strike out all after the enacting clause, and bring in an entirely new measure.

Mr. BURNES. I will answer my friend from Texas. I think I have already answered him. This one paragraph contained three items, two of which the House excepted from appropriation, one of which the House sustained. The Senate struck out the two exceptions—the two items that the House had so excepted from appropriation—all of them in this one paragraph. We went into conference on the Senate amendment, which put back the two items the House had excepted. The claim alluded to by my friend was not objected to by the Senate until we were in conference.

Mr. CRAIN. It had been passed by both Houses.

Mr. BURNES. The paragraph had been passed by the House, but was amended in the Senate. My claim is that the action of the Senate was, as to every word in the paragraph, a mere offer, on condition, to agree to it or any part of it. True this claim met with the sanction of the House by a vote, and the other claims and every part of the bill as it was sent to the Senate was the solemn action of the House; but the non-concurrence in the Senate amendment was of equal solemnity. We secured two points for the House by surrendering one. Each was equally indorsed.

Mr. CRAIN. It voted on that item by a yea-and-nay vote.

Mr. BURNES. It voted on one item of this paragraph. The question simply is whether we have transcended our powers. The will of the House is expressed without a yea-and-nay vote just as solemnly as with such a vote.

Mr. McCOMAS addressed the House.

Mr. BURNES. I now yield five minutes to the gentleman from Texas [Mr. CRAIN].

Mr. CRAIN. Mr. Speaker, I do not think this is a question a vote upon which, if in the affirmative, will decide that this House lacks confidence in this conference committee. Doubtless the conferees believed that they had the power under the rules to do what they have done, and I do not intimate that they were governed by any other motives than those of honor and justice.

Mr. WEAVER, of Iowa. State what the point is.

Mr. CRAIN. I propose to do that. As I have said, Mr. Speaker, I do not impugn the motives of the conferees, but they certainly have erred as to their powers under the rules of the House. There was an item contained in the original bill providing an appropriation of \$10,750 for the rent and occupation of certain property in the city of Galveston, Tex. Other items were put in the same paragraph by the committee.

The committee recommended that these amounts should not be allowed, whereupon a yea-and-nay vote was taken in the House upon the motion of the gentleman from Indiana [Mr. HOLMAN], which vote resulted in favor of this appropriation, the House deciding by a majority of 20 that the item should be restored to the bill. Subsequently, upon motion of the other gentleman from Indiana [Mr. BROWNE] to recommit the bill with instructions to strike out this item, the House again decided that the item should remain. The bill went to the Senate with that paragraph in it, and the Senate passed the bill in that shape. * * *

Mr. BURNES. Mr. Speaker, I have but one word to say in reply to my friend from Texas [Mr. CRAIN], and that is in regard to the decision of the Speaker in a former Congress, which the gentleman has read to the House. In that case the question was with regard to a paragraph to which both Houses had agreed. That is not this case. I now demand the previous question.

Mr. CANNON. I ask the gentleman to yield to me.

Mr. BURNES. I withdraw the demand for the previous question, and yield to the gentleman.

Mr. CANNON addressed the House.

Mr. BURNES. I yield two minutes to the gentleman from Arkansas [Mr. BRECKINRIDGE].

Mr. BRECKINRIDGE spoke for two minutes.

Mr. BURNES. I demand the previous question on the adoption of the report. The previous question was ordered, and the report was adopted.

APPOINTMENT OF COMMITTEE TO INVESTIGATE THE STRIKE
ON THE MISSOURI PACIFIC RAILROAD, IN THE SOUTHWEST.

APRIL 16, 1886.

The SPEAKER announced the following-named members as the Select Committee to investigate the causes of the existing disturbed condition of the relations between railroad companies engaged in interstate commerce and their employés in certain States :

A. G. CURTIN, of Pennsylvania; J. N. BURNES, of Missouri; W. H. CRAIN, of Texas; J. H. OUTHWAITE, of Ohio; J. W. STEWART, of Vermont; A. X. PARKER, of New York, and JAMES BUCHANAN, of New Jersey.

[The appointment of Mr. BURNES as a member of the above committee may very appropriately be cited as forming a prominent circumstance in his Congressional career. For the space of a month or more he was absent from Washington involved in the duties of the committee, which, at the time were of considerable moment, comprehending, as they did, the investigation and, if possible, settlement of one of the most extensive railroad strikes recorded in the annals of labor, which threatened both individual and public safety and virtually blocked the avenues of commerce throughout the greater portion of the southwest.

The committee, having concluded its labors, saw, with gratification, peace and amity restored between the railroad companies and their employés and the ways of trade again free and open.

In the workings of the committee, Mr. BURNES was, in a great measure, the leading spirit, as he was also largely instrumental in the formation of the report of its proceedings to the House of Representatives.—E. W. D.]

SECOND SESSION, FORTY-NINTH CONGRESS.

REMARKS ON DEFICIENCY IN APPROPRIATION FOR PUBLIC PRINTING.

DECEMBER 16, 1886.

Mr. BURNES. I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 10239) making an appropriation to supply a deficiency in the appropriation for public printing and binding for the fiscal year ending June 30, 1887, and for other purposes, and consider the same in the House.

There was no objection, and the bill was read.

The SPEAKER. The question is on ordering the bill to be engrossed and read a third time.

Mr. REED, of Maine. What is the occasion for this deficiency?

Mr. BURNES. Mr. Speaker, it will be remembered, perhaps, that in the last sundry civil appropriation bill the appropriation for the support of the printing department was allotted, first, to the six months of the fiscal year; second, to the third quarter, and lastly to the fourth quarter.

The expenditures up to the present moment indicate very clearly that before the first day of January, when the next allotment will be available, this sum of \$85,000 will be required, inasmuch as the Public Printer cannot draw upon that appropriation set apart for the third and fourth quarters. I will say further, to my friend from Maine, that the occasion of the deficiency is simply the expenditure of the money appropriated for the first six months.

Mr. REED, of Maine. I thought I heard some provision there for watchmen and other employés.

Mr. BURNES. No, sir; the appropriation is for the general ordinary purposes of the Public Printer.

Mr. REED, of Maine. Are they to take the place of some that have been discharged?

Mr. BURNES. No, sir.

Mr. REED, of Maine. Then it is an increase of the force?

Mr. BURNES. No, sir. I will state to the gentleman that this appropriation is made necessary for the general purposes of the office. The salary list is largely

diminished and expenses are being curtailed. As to the item of \$17,000, the Bureau of Engraving and Printing can do a certain amount of work only, and the amount now remaining at the disposal of the Secretary for that work is not sufficient to meet the requirements of the Treasurer for the silver certificates; hence this \$17,000 has been asked for, and is recommended by the Secretary for the purpose of insuring the continuance of the work by procuring distinctive paper needed for the silver certificates.

This paper must be provided in advance, as the capacity of the bureau is limited, and the work must be continuous in order to meet the requirements of the Treasurer and the demand for silver certificates.

The remaining item, \$5,000, is for the loss sustained in recoinng the subsidiary coin into dimes. It is the difference between the nominal value according to count and the value after recoinage. This recoinage ought to go on for the public convenience, and the appropriation is exhausted. These, I believe, are the three items covered by the bill.

Mr. CANNON. I only want to say a word. The last two items of this bill are evidently proper, and the first item is also proper for the reason stated by the gentleman from Missouri. As to the first item, however, I want to say that the amount appropriated for the current year for public printing is \$2,000,000. That is increased by certain other amounts—for instance, the pay of employes who are absent under the fifteen days' leave, as the law was amended, and by the sale of certain waste paper, &c. Now, according to the statement of the Public Printer, there remains \$103,000 unexpended for December, and he says—

Mr. BURNES. Not quite that.

Mr. CANNON. Well, in round numbers.

Mr. BURNES. One hundred and three thousand dollars, less \$30,000, which he is compelled to hold for the specific purpose of paying the printers who are entitled to leave of absence.

Mr. CANNON. But the two millions of dollars are increased by that amount, and he says he must have \$85,000 to continue the work. The committee in charge of the preparation of this bill propounded a number of queries to the Public Printer, from the answers to which it appears that when he took possession of the office there was no inventory made of the material on hand; and as to what was on hand, or has been purchased out of the appropriations for the first six months of the year, or whether he has certain kinds of material on hand sufficient to run the office into and beyond the next six months, the committee has no information and we do not know.

Mr. RANDALL. Nevertheless the Public Printer encroached upon the six months' allotment.

Mr. CANNON. Of course he encroached upon the six months' allotment. There has been such an amount of the six months' allotment expended that he must have \$85,000 for printing or the office stops, as I understand. Whether it was encroached upon, in fact, I do not know, considering the amount of material that was purchased and the amount now on hand.

Mr. BURNES. This is not the time to review the action of the Public Printer. This House will perhaps have occasion to review his action and his attempts at

reform before the session expires. I think the Public Printer was entirely frank and entirely sincere in his statements to the committee, and I understood my esteemed colleague at the time as being entirely satisfied with his statements made.

Mr. CANNON. I am not now finding fault with them.

Mr. BURNES. He did not come into the office at the beginning of the fiscal year. The former incumbent remained until some time in September; and whether the fault of this deficiency belongs to the present Public Printer or to his predecessor is not now worthy of consideration; or at least, it need not now be considered. It is sufficient to say, however, that the present Public Printer is confident that in the future he can do all this public printing for the appropriations made—\$2,000,000—instead of \$2,400,000, which heretofore has been expended, I believe, for that purpose. But be that as it may—

Mr. HENDERSON, of Iowa. He says he can do that provided you give him an entirely new outfit of the office—new type, new boilers, &c.

Mr. BURNES. We will not go into that now. We will give you a chance before the session ends to contrast the work of the present Public Printer with that of his predecessor.

Mr. HENDERSON, of Iowa. It should be understood that he is to do all that with an "if."

Mr. RANDALL. There is no "if" in the other case, where the money was spent.

Mr. HENDERSON, of Iowa. There is an "if" here. He says he can do this if he has the office all reorganized, with new type, new boilers, &c.

Mr. CANNON. Does my friend from Missouri want to be understood as claiming that \$1,000,000 for the remainder of the year can do \$2,000,000 worth of public printing which Congress has ordered or may order in the future?

Mr. BURNES. I would have the House understand that unless there is some extraordinary and unexpected accumulation of work, unless there is something that has never occurred before in that office, the Public Printer is confident he will be able during the next six months to do the work for the million remaining, and not only that but he will be able to do the work from year to year for \$2,000,000.

Mr. CANNON. And keep up with the work Congress has ordered?

Mr. RANDALL. And do as much work as the last Public Printer. That is as I understand him.

Mr. BURNES. That he will do as much work as ever has been done for \$400,000 less money annually.

Mr. HENDERSON, of Iowa. Provided you give him a practically new office, new type and new machinery. He is to do it with a great advantage which Mr. Rounds did not have.

Mr. BURNES. All right; we will come to that in proper time.

Mr. HENDERSON, of Iowa. It was the gentleman from Missouri who started this discussion.

Mr. BURNES. I beg the gentleman's pardon. It was my friend from Illinois [Mr. CANNON] who started it.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

REMARKS ON JUDICIAL DISTRICTS IN MISSOURI.

FEBRUARY 7, 1887.

A HUMOROUS ALLUSION TO THE ASPIRATIONS OF JEFFERSON CITY, MO.

Mr. BURNES. I move to suspend the rules and pass the bill which I send to the desk, being a substitute for House bill 2929.

The SPEAKER. The bill which the gentleman moves to pass under suspension of the rules has heretofore been read in the hearing of the House. The Clerk will read the title of the bill.

The Clerk read as follows :

A bill (H. R. 2929) to amend the act dividing the State of Missouri into two judicial districts and to divide the eastern and western districts thereof into divisions, establish district and circuit courts of the United States therein, and provide for times and places for holding such courts, and for other purposes.

The SPEAKER. Is a second demanded on the motion to suspend the rules?

Mr. BLAND. To save time, I ask that a second may be considered as ordered.

The SPEAKER. A second will be considered as ordered if there be no objection. The Chair hears none. There are now thirty minutes for debate—fifteen minutes in favor of the motion and fifteen against it. The Chair will recognize the gentleman from Missouri [Mr. BURNES] to control the time in support of the motion, and the gentleman from Missouri [Mr. BLAND] to control the time in opposition.

Mr. BURNES. Mr. Speaker, in the State of Missouri there are at present three United States courts—one at St. Louis, one at Jefferson City, and one at Kansas City. These three courts are on a line through the center of the State—one upon the eastern border, another upon the western border, and another in the center. That great State, embracing more than 70,000 square miles, lies to the right and the left of these courts. In the southwestern portion of the State there is no United States court; in the northeastern portion there is none; in the northwestern portion there is none. We, in support of the bill, think it best for the judges to go to the people at Saint Joseph, Hannibal, and Springfield to perform their judicial labors rather than that the people shall be dragged in many instances 200 miles for the purpose of paying obeisance to the judges, who in spite of their pretenses are servants and not masters of the people. This bill meets the approbation, I believe, of a large majority of the delegation from Missouri, and has also the sanction of the Judiciary Committee. We think that we are asking nothing unreasonable or unusual when we call upon our friends to sustain us in our wish to pass this bill.

Asking only for equality of right and common justice, let me make a comparison: The State of Iowa, on the north of us, has six United States courts. The

State of Ohio, a much smaller State, is divided, I believe, so that there are now several divisions of the United States courts in the two districts of that State.

Mr. SENEY. Six.

Mr. BURNES. I thank my friend from Ohio. We ask for but six in the State of Missouri; no more than Iowa, no more than Ohio, and I believe but little more, if any, than in the adjoining State of Kansas. I see nothing unreasonable in this proposition. It is much more convenient and cheaper for the judges to go to the people than for the people to go to the judges. Besides, their visits to their masters may save them from superciliousness and prejudice in their conduct. We ask no extraordinary appropriation. The bill does not impose any additional burdens upon the Treasury nor increase the public expenditure; it does not create any additional judgeship, but requires those in office to serve the people by going out of their slippers and gowns upon the public highways to be seen. I trust members of the House will agree to give Missouri these ordinary court facilities which are enjoyed by so many of the people of so many of Missouri's sister States. I will reserve the residue of my time.

Mr. CLARDY. I wish to ask my colleague whether the substitute just read changes at all the division of the eastern judicial district, as stated in the original bill.

Mr. BURNES. No, sir; the eastern district remains as in the original bill. The substitute divides the counties in the western district a little differently with regard to the different divisions.

Mr. O'NEILL, of Missouri. Does it leave the eastern district unchanged?

Mr. BURNES. Practically so.

Mr. HEARD. I wish to ask my colleague a question. The original bill affected the status of only two counties embraced in my district—Polk and Dallas. I ask my colleague whether the substitute proposes to affect any other counties in my district.

Mr. BURNES. I think it does not.

Mr. HATCH. It does not.

Mr. HEARD. Then I desire to say that I shall vote for the bill. There are twelve counties in my Congressional district, one of which is now in the western judicial district of Missouri, the remaining eleven counties being in what is now the central district. This bill proposes to change two of those eleven counties lying on the southern border of my district, attaching them to the Springfield court. I have had no remonstrance from any of the people of my district against this change, while I have had petitions in favor of the propositions from the two counties sought to be affected by it. I shall therefore vote for the bill.

The SPEAKER. The gentleman from Missouri [Mr. BURNES] has eleven minutes of his time remaining.

Mr. BLAND addressed the House, after which Mr. BURNES yielded one-half of his remaining time to Mr. HATCH.

Mr. BURNES. This is not a matter concerning which there should be any misunderstanding or any feeling. The issue is simply a plain business proposition involving public convenience. My esteemed friend from the Jefferson City district is not, in his argument, quite as fair as is his usual custom, for he takes up the

question and considers it as if the bill proposed to extend the jurisdiction of the United States courts. That question is not involved and has nothing to do with this bill. The distinguished gentleman, in his effort merely to discharge his duty to a small portion of his constituents, seems to oppose this bill on the ground that he is opposed in general to United States courts; but he has such a court at Jefferson City, and the love of its advantages and conveniences drives the boarding-house keepers in that place to insist upon his denying to others equality of right thereto.

The people of Jefferson City are very charming, but their necessities are numerous and great. The bar association of that place, like the bar, has become a ghastly joke. The bar association of Jefferson City! Will wonders never cease?

Professor Parsons, in Harvard law school, gave his class one morning an illustration of the absolute barrenness of the "absolute rights of persons" as defined by Blackstone, saying that he once read a book entitled *Wolves in Iceland*, and the first paragraph declared "there are no wolves in Iceland." So of the bar association of Jefferson City, substantially. There is no bar association of Jefferson City—I had almost said there is no bar in Jefferson City.

Jefferson City, it must be stated, is a very small town. If it were not the capital of the State and the site of the penitentiary it would be the solitary and unbroken abode of innocuous desuetude; for business or industrial pursuit there would be as profitless as on a lone rock in the vast center of the great sea.

But there are hash-houses there—and hash-houses; they demand the able and distinguished Representative of that district to protect them from the loss they may sustain if they should lose the patronage of the few witnesses, jurors, and lawyers whom the exigencies of the meager docket, which has been described, require semi-annually to attend.

Of course there is but little business on the docket of the Jefferson City court. Why should there be any? But ask my esteemed colleague, who so ably represents the Kansas City district, as to the business on the docket at Kansas City. You will find in his response that the court is in session almost continually. Ask my other esteemed colleague from Saint Louis [Mr. O'NEILL]—the life and light of the House—as to the volume of business in the court of Saint Louis. You will hear in response that the court is crowded all the year round with lawyers, litigants, jurors, and witnesses, many of whom have to travel several hundred miles from their homes in order to obey the process of the court and discharge their professional or public duties.

But my friend representing the Jefferson City district, whose district lies in that part of Central Missouri south of the Missouri river, was born, Congressionally, to a better estate. It was a sort of "Cæsarion operation" that delivered Cole county into his jurisdiction and made him feel that it was his duty to compel unwilling citizens to sojourn beneath the scrubby oak and dwarfed pine growing doubtfully on the yellow clay of that inhospitable soil. To stop the "hash-house" business of Jefferson City, or in the slightest to diminish it, will create more commotion in that city than ever agitated the Ephesians in their manufacture of wooden gods.

But my distinguished colleague sees no necessity for courts at Saint Joseph, Hannibal, or Springfield. He sees no public demand for them. Of course not; why should he? Jefferson City cannot see beyond her municipal limits. The public

demand for these courts is not in Jefferson City, nor with the alleged barristers of its bar association. Go to the great communities of the State—to Saint Louis, solid, great, and grand city of the great valley, in which the seat of empire and the center of commerce are now recognized throughout the world, if you would learn of the public wants. Go to Kansas City, marvel of progress and incarnate spirit of enterprise, if you seek more knowledge of Missouri than we or the able and distinguished Representative of that city on this floor can give you. My distinguished colleague [Mr. O'NEILL], representing a city of more than half a million of people, can be depended upon for a knowledge of the popular will.

Mr. O'NEILL, of Missouri. Will the gentleman permit me for a moment?

Mr. BURNES: Yes, sir.

Mr. O'NEILL, of Missouri. Two years ago there was a strong protest from my city against the bill then presented. The present bill, I am informed, has been shorn of many of the features then deemed objectionable. I presume the present bill is not obnoxious to my people, as I have not up to the present hour received a single protest against this bill.

Mr. BURNES. I might add, the gentleman from Saint Louis will be found voting for the bill.

May I not safely conclude that my distinguished and esteemed colleague from the Jefferson City district, in the faithful discharge of his duty to a portion of his forlorn constituents, has found some demand for these courts in the public estimate? Saint Louis is not objecting, and that city represents a large and respectable portion of the State. Kansas City is not objecting, and that city represents a large and respectable portion of the State. Saint Joseph, the third city in the State, and making rapid strides to pre-eminence, and the people all around in the districts of my colleagues from the second and third districts, as well as my own, are earnestly demanding these courts. Hannibal, the fourth city of the State, and Springfield and the great southwest, joining hands in support of this bill, ought to inspire some slight belief that the demand was general and popular in Missouri; but poor old Jefferson City, with its "bar association" and its meager court docket, is fighting for its "hash-houses" and contending against equality of right in court business with three great quarters of the State; and, while doing so, painfully aware that the capital of the State must very soon be removed elsewhere.

If senators and representatives now in session at Jefferson City, representing the great communities interested in this bill, should come to understand the selfish and unjustifiable wrongs that Jefferson City and its "bar association" would inflict upon them, the capital-removal question would have at once irresistible reinforcements. [Applause.]

Mr. BLAND. The gentleman knows, or ought to know, that the present Legislature has recently voted that proposition down.

Mr. BURNES. Yes; but the General Assembly is still in session.

[Here the hammer fell.]

The SPEAKER. The question is on the motion of the gentleman from Missouri [Mr. BURNES] to suspend the rules and pass the bill.

The question was taken and the bill passed, more than two thirds voting in favor thereof.

DEBATE ON DIPLOMATIC AND CONSULAR APPROPRIATION BILL.*

FEBRUARY 12, 1887.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. BLOUNT in the chair.

The CHAIRMAN. The House is now in Committee of the Whole, and ten minutes of the time remains for general debate.

The Clerk read as follows :

Envoys extraordinary and ministers plenipotentiary to France, Germany, China, Great Britain, and Russia, at \$17,500 each, \$87,500.

Mr. BURNES. I rise to make a point of order against a portion of that paragraph of the bill.

The CHAIRMAN. The gentleman will state it.

Mr. BELMONT. Has not that section been passed over ?

The CHAIRMAN. It had been read, and the Clerk had begun to read the next paragraph ; but there was a great deal of confusion in the hall, and the Chair hardly thinks the gentleman from Missouri should be thereby prevented from interposing the point of order.

Mr. BELMONT. I will not insist upon the point.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BURNES. I am not aware of any law authorizing this increase in the salary of the minister to China. I believe it is in conflict with the third section of the twenty-first rule, which I cite in support of the point of order ; and I also refer the Chair, so far as this item is concerned, to the Supplement to the Revised Statutes, page 400, where it will be found in a permanent law that the salary of the minister to China is provided for and made \$12,000 per annum.

Mr. BELMONT. Mr. Chairman, whatever may be the result of the discussion on the point of order, I suppose it would be useless for me to ask the gentleman to withdraw the point he makes, although the House is already informed that the interests of the United States are concerned in the recommendation which the Committee on Foreign Affairs has made to increase the salary of the minister to China. * * *

* This bill was prepared by the Committee on Foreign Affairs and was presented to the House by the chairman of that committee, Mr. BELMONT. Formerly the Committee on Appropriations had jurisdiction of the measure, but by a change in the House rules it was taken away from that committee and placed in charge of the Committee on Foreign Affairs. Likewise were several other important appropriation bills taken from the Committee on Appropriations and apportioned to such committees as seemed to be entitled to them. This curtailment of the powers of the Appropriation Committee was not met with wholesoul favor by its members, and, perhaps, somewhat excited them to a jealous vigilance in detecting flaws in bills not of their making.

But, sir, as to the point of order. I would refer the Chair to the original Rule 63, and the history of the various steps by which that rule has been extended, as well as to the debate which occurred with reference to it, where the Speaker of the House declared on the 17th of January, 1876, that the extension of the rule was for the purpose of increasing salaries.

The history of the present rule, which if interpreted as the gentleman claims, it seems to me, would surrender to the Senate the regulation of all salaries in an appropriation bill, is well known to this House. As for myself, I voted for the change in the rule by which the distribution of appropriations was made to several committees. I so voted, not because as a member of the Committee on Foreign Affairs I desired for that committee the disagreeable duty of preparing this bill.

There is no bill which comes before the House so unpopular as this. There is no bill which gives so pleasurable an opportunity to the demagogue, and there is no bill which can be so easily misrepresented. I desire to say on my own behalf and on behalf of the committee which has undertaken this work that we did so believing it to be our duty so to do.

Mr. STEELE. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. STEELE. Is the gentleman from New York discussing the point of order or the merits of the bill?

Mr. BELMONT. What I am saying is on the point of order, because I think it is important to the House to establish what is the duty of the Committee on Foreign Affairs under the rule. The intention of the change in the rule by which this committee was charged with this particular duty was that it might report a bill that would be of some practical use to and effect upon the special service to which we are appropriating these amounts. * * *

The Committee of Foreign Affairs has simply followed the course hitherto taken by the Committee on Appropriations, only it has gone further in the same direction. It can hardly be expected that the gentleman from Missouri, who has served and is serving upon the Committee on Appropriations, should be satisfied with this bill. I doubt if it would be possible for a committee which under the new rule is charged with the preparation of a bill and which in the performance of its duty has incorporated certain changes not of law, but changes in the regulation of amounts of salaries—I do not think that a committee pursuing this course could by any possible means satisfy certain gentlemen. * * *

Mr. Cox, of North Carolina, addressed the House.

Mr. BURNES. I beg to be indulged a moment while I assure my esteemed friend from New York [Mr. BELMONT] that I think there is no member of the Appropriations Committee who desires to interfere either with his bill or with his admirable management of his bill; but being in opposition to increase of salaries and increase of expenditures, and at the suggestion of other gentlemen, who felt that some one must make these points of order, I have simply attempted to discharge the duty imposed on me. This, sir, is purely a question of law, and to that question I shall for a few moments, and a few moments only, strictly confine myself. I beg to read the third section of the rule alluded to:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

The existing law I find in the act of January 27, 1879, which fixes the salary of the ministers to China, Japan, Mexico, Brazil, Austria, and Spain at \$12,000 each. At the conclusion of that act I find the following:

That the salaries provided in this act for the offices within named, respectively, shall be in full for the annual salaries thereof from and after the 1st day of July, 1879; and all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

This would seem to make a law establishing these salaries at \$12,000. I will not detain you, sir, eminent in parliamentary law as I know you to be, by referring to the history of the one hundred and twentieth rule, which is now the third paragraph of our twenty-first rule. That history would carry us back to 1820 and to 1838, when the rule was amended. But there is a peculiar provision in connection with it to which I wish to call attention. The one hundred and twentieth rule is as follows:

No appropriation shall be reported in such general appropriation bill or be in order as an amendment thereto for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress, and for the contingencies for carrying on the several Departments of the Government.

That was the rule from 1838 to 1876, express authority being given to provide for the exigencies of the public service in the several Departments of the Government. Prior to 1876 it had been held that salaries could be increased under the one hundred and twentieth rule, and very properly so held; but in the Forty-fourth Congress the rule was changed. It was changed, however, only in the concluding subdivision of the paragraph, not in the first portion of it. It was changed by striking out this provision expressly authorizing such legislation for the exigencies of the Departments, and inserting in lieu of it the following:

Nor shall any provision in any such bill, or amendment thereto, changing existing law, be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

That amendment, made in the Forty-fourth Congress, was followed by the rule which I read in the beginning of my remarks, but neither of them affected the first part of the paragraph. That has remained the same from 1820 down to the present moment; it is only the concluding portion that has been from time to time changed; and at no time has there been any pretense that under the first part of the paragraph a salary could be raised. Under Rule CXX salaries were raised, but it was done under the provision contained in the latter part of the paragraph.

Mr. BELMONT. Will the gentleman allow me to interrupt him?

Mr. BURNES. I would rather not at this moment; but if the gentleman desires, I will yield.

Mr. BELMONT. I understand the gentleman to mean that the test of the regu-

larity, under the rule, of a provision in such a bill as this is whether or not it is in accordance with existing law, and I understand that the law upon which he would found an objection is the law of 1879.

Mr. BURNES. Undoubtedly; I rely upon the law of 1879 as the existing statute.

Mr. BELMONT. I shall not interrupt the gentleman further now, but I shall take occasion to express my dissent from that view, on account of the practice of the House since 1879, and also on account of the purpose of that law, which was to shut off claims which might be made, and which were made, for salaries which **had not been** provided for in appropriation bills. "In full" payment meant that the officer who **received a salary** under the law of 1879 should not be entitled to come into court with any further claim for an increase of salary.

But since that provision, quoted by the gentleman from Missouri, in the law of 1879, was passed the rank and title of ten ministers, **consuls-general**, and consuls have been changed in appropriation bills. The salaries of eighteen diplomatic and consular officers have been increased a total of \$33,000; one new **secretary** of legation has been created, at a cost of \$1,800; twenty-four new consulates have been created, at a cost of \$40,500.

The fact that the House has made so many changes since 1879—I have a detailed list of them here, but it would take me too long at this time to enumerate them all—clearly shows, I think, that an increase of salary at this time is not different from what it was a year or two ago. If my friend relies simply upon the law of 1879, it seems to me he will not find as much fault with the committee as his remarks would have led me to believe.

Mr. BURNES. Mr. Chairman, I have indulged my friend from New York [Mr. BELMONT] with great pleasure; but I beg to answer his suggestions by a single observation. I am aware of no principle in law which justifies the conclusion that a statute is repealed by its violation. In the Forty-fourth Congress, the amendment then proposed being under consideration, many of the most eminent members of the House expressed themselves freely, fully, and clearly upon the proposition. I cite to you, sir, the thirteenth volume, page 455, of the CONGRESSIONAL RECORD. You will find there that Mr. Garfield, Mr. RANDALL—I speak historically of gentlemen who are now members of the House—Mr. HOLMAN, Mr. HOAR (the present Senator from Massachusetts), and other gentlemen of equal distinction, considered this proposition which has met the approbation of the eminent gentleman from New York [Mr. Cox], who reported the amendment to the House.

Not a single one of those gentlemen failed to commit himself to the proposition that under the first portion of the paragraph under consideration there never had been and never could be a salary raised, but that under the concluding portion salaries had been and could be raised. Mr. HOAR, making it clearer perhaps than any of the rest, used the following decisive language, which was not disputed by any one:

Now, if we strike out that sentence—

Meaning the concluding portion of Rule CXX as it existed with the amendment of 1838—

it is not in the power of the House to make any appropriation either originally reported or as an amendment to the contingencies for carrying on the several Departments of the Government, unless it is for an expenditure previously authorized by law.

Mr. Chairman, these eminent authorities are before you for your consideration. The rule has been read. The law, fixed and permanent, is before you. If a salary can be raised now on an appropriation bill there is no law to prohibit us from appropriating as we please, in violation of any statute and in violation of any rule of the House. I submit these remarks deferentially, and regret exceedingly that it has been made a part of my duty to occupy the unpleasant position, which I have not occupied before, of objecting to the legislations of a committee of this House.

The CHAIRMAN. This question has been so frequently before the House and the ruling on the question has been so well settled that the Chair does not think it necessary to occupy time in stating the reasons for his decision. The point of order is sustained.

The Clerk read as follows :

Envoys extraordinary and ministers plenipotentiary to the Argentine Republic, Chili, Turkey, and Peru, at \$10,000 each, \$40,000.

Mr. BURNES. The point of order is reserved on this section.

The CHAIRMAN. The gentleman will state it.

Mr. BURNES. My point of order is that the appropriation here increases the salary of the minister to the Argentine Republic from \$7,500 a year to \$10,000.

Mr. HOLMAN. And I raise an additional point of order.

Mr. BURNES. It also raises the salary of the minister to Turkey. The salary of that minister is provided for on page 38 of the supplement to the Revised Statutes at \$7,500. It is here provided for at \$10,000.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BELMONT. It will be necessary to go back to line 17 and change the total.

Mr. RANDALL. The clerks will attend to that.

The CHAIRMAN. That has been already done. The Clerk will report the next paragraph.

Mr. BELMONT. I did not understand the amendment of the gentleman in regard to Turkey.

Mr. HOLMAN. The salary of the minister to Turkey was \$7,500, but last year, for the first time in our history, the salary was increased to \$10,000.

Mr. BELMONT. My friend is mistaken ; the increase was not made last year.

Mr. HOLMAN. It was made in the Forty-eighth Congress.

Mr. BURNES. At the second session.

Mr. BELMONT. It was not increased by the Committee on Foreign Affairs.

Mr. BURNES. The motion was made to increase the salary from \$7,500 to \$10,000, but no gentleman in the House raised the point of order against it, as it was understood at the time the distinguished gentleman from New York [Mr. Cox] was to be appointed to that position.

Mr. BELMONT. It is simply a repetition in this bill of the sum appropriated last year. Of course, as the Chair has ruled in favor of the point of order, the committee will not desire to contest the ruling. I only wish to say that it is a repetition of former appropriations, and is not a new provision in this bill.

The point of order of Mr. HOLMAN was sustained.

DEBATE CONTINUED, FEBRUARY 15, 1887.

The Clerk, continuing, read the following paragraph :

Ministers resident and consuls-general in Bolivia, Corea, Denmark, Hayti, Liberia, Persia, Portugal, Siam, and Switzerland, at \$5,000 each, \$45,000.

Mr. BURNES. The law fixes the salary of the minister to Liberia at \$4,000. I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read the following :

Agent and consul-general at Cairo, \$5,000.

Mr. BURNES. The law provides a salary of \$4,000. I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read the next paragraph :

Chargés d'affaires *ad interim* and diplomatic officers abroad, \$20,000.

Mr. BELMONT. It will be necessary at this point to insert Liberia, which was stricken out in a former paragraph.

The CHAIRMAN. In the absence of objection that amendment will be made. There was no objection.

The CHAIRMAN. The gentleman from New York will please send up his amendment in writing.

Mr. BELMONT. The fact is this amendment will produce a new class of office, a minister at \$4,000. There is no such thing at present. Therefore I am at a loss to know where this amendment should be inserted ; there is no paragraph in the bill where it would properly come in.

The CHAIRMAN. The Chair understood the gentleman to offer his amendment at line 45.

Mr. BELMONT. I offer, then, this amendment :

After line 45 insert the words "minister to Liberia, \$4,000."

I ask the Chair to submit that motion.

The CHAIRMAN. The Chair has already submitted it and it has been agreed to.

Mr. BURNES. I submit the proposition, somewhat hesitatingly, with regard to the point of order upon the paragraph contained in lines 44 and 45. The amount provided for in the statute does not authorize an appropriation of \$20,000 ; but the current law does authorize that amount, the appropriation being \$20,000.

Prior to the first session of this Congress the appropriation was \$12,000. This is an increase over former appropriations, except that of the first session of this Congress, of \$8,000.

Mr. BELMONT. Mr. Chairman, there is some limit to the propriety of points of order, it seems to me, and in this case I think the gentleman from Missouri is mistaken. If the Clerk will read the section of the law upon which the appropriation is founded I think the gentleman may be induced to withdraw his point of order. If he does not withdraw it I desire to say to some of my friends on this side of the House that they should remember there is a distinction between affirmative legislation and negative legislation, and while certain gentlemen have been most successful hitherto in negative legislation (and no one more than I appreciates the great service they have rendered the party by opposing unwise appropriations) it does seem to me that we are no longer a party of opposition, and that we must undertake some affirmative legislation.

Mr. BURNES. Mr. Chairman, if the gentleman will yield to me a moment I think I can perhaps facilitate business.

Mr. BELMONT. I would rather not yield at this moment, but if the gentleman particularly desires it I will do so.

Mr. BURNES. Mr. Chairman, I am inclined to believe that the point of order cannot be sustained against this proposition, and therefore I withdraw the point and move to amend the paragraph by striking out the word "twenty," in line 45, and inserting "twelve."

Mr. BELMONT. Mr. Chairman, I hope that the House will not adopt that amendment. If it does we shall have simply a repetition of what has occurred in previous years—a deficiency. The committee last year induced the House to appropriate this amount simply to avoid a deficiency; and, for the first time in many years, there is no deficiency. Shall we cut this item down now simply that we may be able to say that we appropriated \$12,000, whereas, in reality, we needed \$20,000, and must hereafter appropriate to make up that amount? If that is to be the policy of the House, I am very much mistaken in having opposed the amendment of the gentleman from Missouri [Mr. BURNES].

Mr. BURNES. Mr. Chairman, before this vote is taken I beg the indulgence of the committee for a moment, so that all may understand the proposition, so far at least as my objection to it is concerned. What is the appropriation for? It is for the payment of *chargés d'affaires ad interim*. Who are they and what are they? We have a minister at a foreign court who receives a full and adequate salary. That minister has ordinarily a secretary, called the secretary of legation, whose salary is provided by law, and who receives his salary.

But when the minister goes away from home he leaves the secretary as his *chargé d'affaires*, and then the secretary becomes entitled to higher pay, and this sum is appropriated to pay for the service thus rendered in the absence of the minister. Now, the minister, in his absence, draws the full salary of his office, and the *chargé d'affaires* draws an additional salary; so that we are paying two individuals for the same service at the same time. I wish to add further that in the Forty-eighth Congress we had practically come to the conclusion that this whole appro-

priation ought to be abolished, and that the practice ought to be ignored ; but, as there were occasions when, probably, some appropriation under this head might be needed, we finally concluded to compromise rather than to abolish the appropriation entirely, and determined to make the appropriation \$12,000, although the judgment of probably a majority of the House was in favor of entirely abolishing it, inasmuch as it ignored a proposition of legislation and of government which ought always to be recognized, namely, that no two persons should receive pay for doing the same work at the same time.

Mr. BELMONT. I think my friend is mistaken. The *chargé d'affaires*, in the absence of the minister, is not entitled to his pay as secretary of legation, but he is entitled to 50 per cent. of the minister's pay. The reason this appropriation is put at \$20,000 is because it is utterly impossible to determine in advance what vacancies may occur in the missions by reason either of absence or death. For instance, the missions to Turkey, to Vienna, and to Berlin are temporarily vacant to-day, and other missions may become vacant, and when that occurs the secretary of legation is required to perform the duties of the minister.

But during that time he receives no salary as secretary of legation.

The amendment of Mr. BURNES was rejected.

The Clerk read as follows :

Secretaries of the legations in Berlin, China, Japan, London, Paris, and St. Petersburg, at \$2,625 each, \$15,750.

Mr. BURNES. Mr. Chairman, I make the point of order that the salary of the secretary of legation in China is provided for in the present bill at \$2,625, while in a subsequent paragraph of the bill the salary of the interpreter is fixed at \$3,000, thus dividing the salary fixed by law for the two offices, which may be held by one person, into two parts. The law provided that the office of secretary may be held by an interpreter and limited the salary for the service at \$5,000. Now, by the division which this bill proposes the salary, in place of being \$5,000 for the two, is fixed at \$5,625. The aggregate appropriation is \$625 more than the law authorizes.

The CHAIRMAN. The Chair will hear the gentleman from New York on the point of order.

Mr. BELMONT. Mr. Chairman, the office to which the gentleman from Missouri refers is, I suppose, fixed under the law of 1856, and this provision here is simply a repetition of what has occurred in diplomatic and consular bills for several years past.

As to the salary of the interpreter, I will ask the Clerk to read this letter, addressed to me by Mr. Cox, of New York, during the last month.

The Clerk proceeded to read the communication.

The CHAIRMAN (interrupting the reading). The Chair does not think that this bears on the point of order.

Mr. BELMONT. It appears to me that it does.

Mr. BURNES. I do not think the gentleman from New York has understood the proposition.

Mr. BELMONT. I understood it perfectly.

Mr. BURNES. The letter the gentleman sent up to be read has reference to the interpreter at Constantinople, not to the interpreter and secretary of legation in China.

Mr. BELMONT. My object was to impress upon the House the necessity for these interpreters in the East, and I know of no better testimony than that of our late minister to Turkey.

The Chair sustains the point of order.

The Clerk read as follows :

Secretaries of the legations in Austria, Brazil, Italy, Mexico, Spain, and Turkey, at \$1,800 each, \$10,800.

Mr. BURNES. Mr. Chairman, the secretary of legation at Constantinople, as fixed in this bill, is \$1,800. Under section 1675 of the Revised Statutes the salary should be 15 per cent. of that of the minister, which would be less than \$1,500.

Mr. BELMONT. I do not desire to contest the ruling of the Chair on the point of order, but I have only to say that this item is a repetition of the appropriations hitherto made for a number of years.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read the paragraph headed :

SALARIES, INTERPRETERS TO LEGATIONS.

Mr. BURNES. I make the point of order that in this paragraph there is, in violation of the law of 1879, an increase in the appropriation for the interpreter to the legation at Bangkok, Siam. The appropriation should be \$500 instead of \$800. In the same paragraph there is an increase for the interpreter to the legation in Turkey ; but, this increase being authorized by the law of 1879, no point of order can be made against it.

Mr. BELMONT. I think the gentleman who raises this point of order should at least consider the reason for the increase.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows :

Clerks at the legations in London and Spain, each at \$1,200.

Mr. BURNES. I make the point of order that the provision for a clerk for the legation in London is new legislation, and is not authorized by law.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read the next paragraph, entitled :

CONTINGENT EXPENSES, FOREIGN MISSIONS.

Mr. BURNES. I make the point of order against the paragraph just read. I wish to call particular attention to the law on this subject, to be found in section 1748 of the Revised Statutes. Whatever authority there may be for this appropria-

tion rests upon that section, which defines the objects for which these appropriations may be made. Let me read the section :

The President is authorized to provide at the public expense all such stationery, blanks, record and other books, seals, presses, flags, and signs as he shall think necessary for the several legations, consulates, and commercial agencies in the transaction of their business.

Of course, sir, so far as concerns an appropriation for any one of the items here enumerated, the point of order cannot be sustained ; but I wish to call attention to the items of expenditure which this bill proposes to authorize, when there is no law sanctioning such expenditure ; but I must say some of them seem to me to be extraordinary. Let me read it :

For the purpose of enabling the President to provide, at the public expense, all such stationery, blanks, record and other books, seals, presses, flags, and signs as he shall think necessary for the several legations in the transaction of their business, and also for rent, postage, telegrams, furniture, messenger service, clerk hire, compensation of cavasses, guards, dragomans, and porters, including compensation of interpreter, guards, and Arabic clerk at the consulate of Tangier, and the compensation of dispatch agents at London, New York, and San Francisco, and for traveling and miscellaneous expenses of legations, and for printing in the Department of State, \$105,000.

I should say by subsequent legislation appropriation for rent and postage is authorized, but all the other items are unauthorized and are most extraordinary.

But when you take the provision as an entirety, I beg to submit to my learned friend he might as well have made this appropriation of \$105,000 by saying \$105,000, to be expended by the Secretary of State for the general welfare. [Laughter.]

So far as it relates to " telegrams, furniture, messenger service, clerk hire, compensation of cavasses, guards, dragomans, and porters, including compensation of interpreter, guards, and Arabic clerk at the consulate of Tangier, and the compensation of dispatch agents at London, New York, and San Francisco, and for traveling and miscellaneous expenses of legations, and for printing in the Department of State, \$105,000," that all of this appropriation can be expended for the sole item of printing in the Department of State. Every dollar of this appropriation can be expended by the dispatch agents at London, New York, and San Francisco. Every dollar can be expended for the compensation of interpreter, guards, and Arabic clerk at the consulate of Tangier.

This is not an appropriation. This is simply a fund given to a high official to expend at his pleasure. I have as much respect for that distinguished gentleman as any member on the floor ought to have, but I will never consent, so far as I am concerned, to an indiscriminate appropriation of money to be used according to the sweet will of any official, be he high or low.

I would call attention in connection with this proposition to the printing in the Department of State. Will my friend from New York, when he comes to reply—and I see he is anxious to do so—will he tell me whether or not the Secretary of State already under current law has not found it necessary, in view of the fact the common, plain printing office was insufficient to do the work of his Department, although competent for the printing of the representatives of the people, although competent for the confidential printing of the Senate, although competent for the printing of the two bodies of Congress—I trust the gentleman from New York will

answer me whether, notwithstanding all this, the Secretary of State has not found it necessary to establish a printing office in the Department of State, a special printing office of his own, with all necessary appointments, for the purpose of doing the printing which he does not trust to the common printing office, whether such an office has not been provided?

I have no doubt the Secretary of State will expend the money honestly, but the representatives of the people can never afford to stand up and say they will authorize any man to expend the people's money for a purpose for which no previous law has been enacted.

[Here the hammer fell.]

Mr. HOLMAN addressed the House, followed by Mr. BELMONT.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

Mr. BURNES. Before the Chair makes his ruling I desire to make a correction. I find the law does not include rent and postage for the missions abroad, but it includes rent and postage for the consulates abroad. Therefore, rent and postage for these missions are not allowed under existing law.

Mr. BELMONT. I would like to ask if under the rules of the House it is possible to practically abolish a mission for which an appropriation has been made by refusing to appropriate for rent? I mean to say that the purpose of the gentleman seems to be, while he cannot abolish a mission or refuse to appropriate the salary, to withdraw the appropriations for purposes necessary to keep up the mission.

Mr. BURNES. That is the fault of the law, not of the member who makes the point of order.

The CHAIRMAN. The Chair is not responsible for any consequence of the rule. He has simply to decide the questions of order submitted to him. It is conceded there is no authority of law for an appropriation covering these items. The Chair therefore sustains the point of order.

Mr. REED. How much is left of the section? Will the Chair cause the Clerk to read the section as it now is, that the committee may know what is left? As I understand, there is not even postage left.

The CHAIRMAN. The Chair has ruled out the matter on which the point of order was made. If any correction is necessary it can be made by amendment.

Mr. BRAGG. I call the attention of the committee to the fact that unless there is a change made in the amount appropriated at the end of the paragraph the whole \$105,000 are left for three or four things at the head of the paragraph, after the bulk of it has been stricken out. Certainly if there is any sense in striking out any portion of this paragraph the sum appropriated should be reduced pro rata.

Mr. BURNES. In view of the fact that the bulk of the paragraph is out, \$105,000 having been appropriated in all, I move that for the few remaining items the amount be decreased to the amount usual in such cases, \$75,000.

The amendment was disagreed to.

The Clerk read as follows:

For expenses which may be incurred in the acknowledgment of the services of masters and crews of foreign vessels in rescuing American seamen or citizens from shipwreck, \$4,500.

Mr. BURNES. Mr. Chairman, the amount authorized by the statute for this purpose is \$4,000. The object is simply to enable the Secretary to give a little more expensive gifts by way of recognition of heroic deeds. I make the point of order upon the paragraph.

Mr. BELMONT. Mr. Chairman, this restores the appropriation that was made from 1882 to 1886, inclusive.

The CHAIRMAN. The gentleman from Missouri will please send to the Clerk's desk the statute to which he refers.

Mr. BURNES (after a pause.) I withdraw the point of order.

The Clerk read as follows :

To meet the necessary expenses attendant upon the execution of the neutrality act, to be expended under the direction of the President, pursuant to the requirement of section 291 of the Revised Statutes, \$15,000, &c.

To enable the President to meet unforeseen emergencies arising in the diplomatic and consular service, and to extend the commercial and other interests of the United States, \$50,000, &c.

Mr. BURNES. The committee, I trust, will recognize the distinction which I make when I call attention to the fact that the paragraph just read embraces a cumulative or duplicating appropriation, and further, is subject to a point of order, there being no law authorizing it. It will be observed that in the paragraph appropriating \$15,000 this appropriation is stated to be "pursuant to the requirement of section 291 of the Revised Statutes." That section has been considered in this House upon several occasions, and it has been appropriately denominated a section authorizing a fund for secret service. Now, the subsequent section appropriates \$50,000 for the same purpose, under section 291. In order that the House may have the whole facts, I desire to make an explanation, and I am not here to defeat legislation of any character, but simply to give the facts.

At the first session of the Forty-eighth Congress the House determined not to appropriate for this secret service, the appropriation for that purpose being refused by a vote of the House or the committee. At the second session of that Congress it was believed that, as great changes were made in the foreign service, large expenditures would follow for those changes, and that consequently the President ought to have some fund from which he could defray those expenses. Therefore, in the second session of the Forty-eighth Congress, when the committee was not restricted as under the present rules, but was authorized to legislate, this section was adopted, "to enable the President to meet unforeseen emergencies arising in the diplomatic and consular service," but everything relating to the appropriation of \$15,000 was left out of the bill.

Now, the present bill appropriates not only the \$15,000 for the secret service but the \$50,000 which in the second session of the Forty-eighth Congress was intended to stand in lieu of the other provision for meeting the expenses that might attend these unforeseen emergencies in the service. I submit, therefore, that, on a point of order, this paragraph should go out; and I put it simply on the ground of its being cumulative.

Mr. BELMONT. Mr. Chairman, these two provisions were contained in last

year's appropriation bill. I remember well that the gentleman from Missouri [Mr. BURNES], when he had this bill in charge, found great objection to what he called the "secret-service fund;" and at that time a provision of this sort was excluded in the House. The Senate, however, being, as usual, compelled to correct such unfortunate mistakes as are sometimes made on this bill in the House, restored the provision; but in order that this prejudice against what is called a "secret-service fund" should be overcome the second provision was adopted in the House under the direction of my friend from Missouri.

Both sections are founded upon section 291 of the Revised Statutes. They are not cumulative in the least degree. The first section provides for what is known as the "neutrality fund." It is a necessary fund, and has been appropriated year after year, excepting the year when this bill was in charge of the gentleman from Missouri.

The CHAIRMAN. The Chair overrules the point of order.

The Clerk read as follows:

Consul-general at Berlin, Ecuador, Halifax, Honolulu, Mexico, Montreal, and St. Petersburg, at \$4,000 each, \$28,000.

Mr. BELMONT. I move to strike out the word "Ecuador" and insert it in line 182, changing the footing accordingly.

Mr. BURNES. I trust the gentleman will yield to me for an observation. I would suggest that in striking out a word he also name the line in which it will be placed subsequently.

The CHAIRMAN. The gentleman from New York moves to strike out the word "Ecuador," in line 179.

Mr. BELMONT. And also the word "Halifax."

Mr. McCREARY. And "Mexico," in line 180.

Mr. BURNES. And "St. Petersburg," in the same line.

Mr. BELMONT. I do not know that my friends need be so anxious about the proposition to amend the bill. I can take care of it myself. If the Chair will recognize me in this matter I can perfect the bill as we go along without any confusion.

The CHAIRMAN. The gentleman from New York has charge of the bill, and the Chair will certainly recognize him for the necessary amendments which the ruling will necessitate.

Mr. BELMONT. Then I move to strike out, as I have said, "Ecuador" and "Halifax," in line 179.

The amendment was agreed to.

Mr. BELMONT. Also, in line 183, to insert the words "St. Petersburg."

Mr. BURNES. I make the point of order that St. Petersburg is limited by law to \$2,000.

Mr. BELMONT. It should go in line 183.

The CHAIRMAN. The gentleman will state the point of order.

Mr. BURNES. On page 398 of the Supplement to the Revised Statutes it is

provided that the salaries of the consuls-general at St. Petersburg and Mexico shall be fixed at \$2,000. This is the law of 1879.

Mr. REED. Would it not be a good idea to refer this bill back to the committee to perfect it?

Mr. BELMONT. There is no difficulty about perfecting the bill here.

I accept the amendment of the gentleman from Missouri as suggested by his point of order, and ask that the words "St. Petersburg" be inserted in their proper place.

Mr. BELMONT withdrew his amendment.

The Clerk read as follows:

Consul at Liverpool, \$6,000. Consul at Hong-Kong, \$5,000.

Mr. BURNES. I see we must assist our friend occasionally. The law provides that the salary at Hong-Kong shall be \$4,000. I make the point of order, therefore, upon the provision in the bill which fixes that salary at \$5,000, and refer to the Supplement of the Revised Statutes, to which I have already called the attention of the Chair.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Consul at Antwerp.

Mr. BURNES. I make the point of order. The bill provides a salary for this consul of \$3,500 when the law provides a salary of \$2,500.

Mr. BELMONT. I move to amend.

The CHAIRMAN. The point of order is raised. Is there any question on the part of the gentleman from New York as to the law?

Mr. BELMONT. No, sir.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Consul at Havre.

Mr. BURNES. I make the point of order on that.

Mr. BELMONT. I move to strike it out.

Mr. BURNES. This goes out on the point of order. If the gentleman wishes to insert it at some other place that is another matter.

Mr. BELMONT. That should be done.

The CHAIRMAN. The Chair sustains the point of order.

After passing upon several other paragraphs the committee rose.

BRIEF REMARKS ON LEGISLATIVE, EXECUTIVE, AND JUDICIAL
APPROPRIATION BILL.

FEBRUARY 28, 1887.

The question being upon the legality of a provision reducing certain salaries—

Mr. BURNES said:

Mr. Chairman, it seems to me that this is a plain, simple, legal proposition as to which there is neither room nor occasion for excitement or tumult. I ask my learned friend from Maryland [Mr. FINDLAY], and also my learned friend from Louisiana [Mr. BLANCHARD], what law is repealed or changed by the words now under consideration. These words "in full compensation" change no law under the third section of Rule XXI. These words change no law. The law remains the same after they are used as it was before.

Mr. ROGERS. Why not strike them out, then?

Mr. BURNES. I am not now talking about that question. I am talking of the legal effect of these words where they stand.

Mr. BRECKINRIDGE, of Kentucky. Will the gentleman permit a question?

Mr. BURNES. Certainly.

Mr. BRECKINRIDGE, of Kentucky. If you take the words "in full compensation" in the first section, then take the provision in the third section, that "all acts and parts of acts inconsistent with this act are hereby repealed," and then all the changes in the bill which decrease salaries, do not these provisions taken together *pro tanto* repeal all laws fixing the salaries which are decreased by the bill?

Mr. BURNES. In answer to my learned friend from Kentucky [Mr. BRECKINRIDGE], I beg to say to him that I cannot pretend that there are not provisions in this bill changing existing law, but I am speaking now of the provision under consideration, against which the point of order has been made. These words "in full compensation" are merely words of propriety, words of sufficiency. It may be very appropriate, and we all like to have the words "in full" when we take a receipt. In like manner, these words "in full compensation" are here used as words of propriety. They may be voted out, but they cannot go out by virtue of the point of order raised under the third paragraph of Rule XXI.

Now, Mr. Chairman, I again ask these gentlemen to point to the statute which these words repeal, alter, or change.

I understand it has been decided in the courts of the country that, so far as concerns the repeal or change of any existing law, gentlemen whose salaries are reduced below the figure authorized by law can go into the Court of Claims and recover by an action at law.

Now, as a legal proposition this question, to my mind, is as clear as the light that comes from heaven.

A MEMBER. Does the light here come from heaven?

Mr. BURNES. There is no heat necessary on this subject ; there is no question of consistency with regard to my friend from Indiana. There is no question as to where the light comes from, as suggested by my esteemed friend here. He thinks, perhaps, that the light of this House comes from the infernal regions instead of the throne of the blessed God.

I rose to say that, as a mere legal proposition, it is incumbent that gentlemen insisting on this point of order should point out the law that is changed or altered.

The point of order made by Mr. BLANCHARD was sustained.

SPEECH ON GENERAL DEFICIENCY BILL.

FEBRUARY 28, 1887.

A SEVERE DENOUNCEMENT AND THE RESULTANT DEFEAT OF A NOTORIOUSLY IMPROPER CLAIM
BY THE CENTRAL PACIFIC RAILROAD.

Mr. BURNES. Mr. Speaker, I call up my motion to suspend the rules and pass the general deficiency bill.

Mr. HOLMAN. I raise the question of consideration.

The SPEAKER. This is a motion to suspend the rules.

Mr. HOLMAN. Mr. Speaker, I wish to address a word to my friend who makes this motion. Last night, although no order was made, it was understood, I think by members generally, that, upon the meeting of the House this morning, we should proceed at once with the legislative bill.

The SPEAKER. The Chair will state that what occurred last night was in Committee of the Whole on the state of the Union. No order whatever on the subject was made by the House.

Mr. BURNES. Mr. Speaker, I am very reluctant to resist the inclinations and wishes of my esteemed colleague on the Committee on Appropriations [Mr. HOLMAN], but as he has been occupying two days with his bill, and as this morning he did not ask that his bill be proceeded with, I rose to make my motion to suspend the rules, and the reading of this deficiency bill was commenced. I think I have as much of the "milk of human kindness" as anybody——

A MEMBER. Is debate in order?

The SPEAKER. It is not.

Several MEMBERS. Regular order.

The SPEAKER. The regular order is demanded. The Clerk will read the motion of the gentleman from Missouri.

The Clerk read as follows :

I move to suspend the rules and take from the Calendar of the Committee of the Whole House on the state of the Union the bill of the House (H. R. 11234) and, with the amendments which I send to the desk, pass the same, with leave to have a separate vote on an amendment which I will offer at the instance of the gentleman from Texas [Mr. CRAIN].

The SPEAKER. The bill will be read.

The Clerk proceeded to read the bill, during which the reading of portions of the bill reciting judgments, audited claims, &c., was, on motion of Mr. LONG and Mr. BURNES, dispensed with by unanimous consent.

The SPEAKER. The amendments included in the motion of the gentleman from Missouri will be read.

The Clerk read the same.

Mr. BURNES. I ask unanimous consent that a second may be considered as ordered on the motion to suspend the rules.

There was no objection, and it was ordered accordingly.

Mr. BURNES. The amendment which is alluded to in the motion I have made had better be now called up and disposed of before general debate is indulged in.

Mr. HOLMAN. I hope there will be no debate.

Mr. BURNES. We may not have any debate. As suggested in the motion, I offer the following amendment.

The Clerk read as follows:

To pay the claim of the estate of T. J. League, deceased, certified by the Second Comptroller of the Treasury, \$10,750.

Mr. BURNES. I desire for a moment to state the reasons which induced me to offer that amendment. During the last session of Congress this amendment was proposed in the House and agreed to by a large majority on a yea-and-nay vote. Subsequently in conference this item was dropped under circumstances which may be considered of doubtful legality on the part of the conferees.

But, be that as it may, I offer it in deference and in profound respect to the House by whose vote this claim, if I may so call it, has been authorized in this bill.

I have nothing to say in regard to the merits of it. My principles are probably unchanged; but there is this to be said of this bill, that it is based on a contract made by a quartermaster or commissary in the United States Army nearly a year after the close of the war, for rent of premises which the Government used and for which no part has been paid. [Cries of "Vote!" "Vote!"]

Mr. GILFILLAN. Are amendments in order?

The SPEAKER. Amendments are not in order. The question is on the suspension of the rules.

Mr. CANNON addressed the House.

Mr. BURNES. Mr. Speaker, if this bill is presented for consideration later than the members of the House expected or desired, I need only remind them that it is necessarily reserved as the last of the general appropriation bills, and that I am in no way responsible for any delays in the consideration of the other bills which were lying across my pathway.

I believe I have heard no complaint against any particular item of appropriation which this bill contains; the objections, if any, arise from desires to get other items in it which did not meet the approbation of a majority of the committee. Being a deficiency bill we have looked for law, reason, and equity in every one of its many items of appropriation.

I must express my profound regret that my esteemed colleague on the committee [Mr. CANNON] has allowed himself to become a little disturbed or excited. He has read portions of the report accompanying the bill, and complains of me for not submitting the report to the committee or showing it to him. I certainly intended no discourtesy to the distinguished gentleman, and he is no doubt aware

that it has not been the custom to submit these reports formally to the Committee on Appropriations, and as by a vote of the committee, in session, I was instructed to report the bill to the House, it became my duty to write and submit such report as I deemed appropriate.

The report was submitted individually to the members of the committee who prepared the bill, and some others, and it met their approval. It was also substantially the mere statement of facts and conclusions of law presented to the committee. If I failed to show it to my colleague thus complaining, it was because he was known to be opposed to the omission of the provisions to which allusion has been made and was representing the minority of the committee voting on those provisions. I feel confident he does not feel that I could treat him with unkindness or discourtesy, especially as to matters entirely non-political. I would add that in its preparation and consideration in the committee I have been aided and strengthened at every step by my colleague's advice, wisdom, and experience. The report, which I trust every member of this House will read, I feel justified in saying is indisputably correct, and has the sanction of the majority of the committee. So much for what I may term the unkindness of my friend from Illinois.

Mr. CANNON. I beg the gentleman's pardon. Of course he does not wish to misrepresent me.

Mr. BURNES. I cannot yield now.

Mr. Speaker, I do not yield. I do not misrepresent my colleague, but if I should I will correct it in the RECORD or make the *amende honorable* in due time.

Mr. CANNON. Mr. Chairman, this is not the report of the Committee on Appropriations. It never was submitted to the committee, and never was considered or adopted by the committee.

Mr. STEELE. And it was printed on the 25th of February.

Mr. BURNES. Grant it all. The report was submitted to members of the committee informally, according to the usual custom. My colleague from Maryland [Mr. McCOMAS] and others, the friends of the bill as it is, agreed to the report. But enough of this, which at best amounts to nothing. The question is not how did the report get here, but are its facts and conclusions correct and in the interest of the Government and the people?

My colleague seems to regard it as necessary to declare himself against repudiation; that question does not arise. I am against every form of repudiation, public or private, but before appropriating to pay any claim I think it the duty of Congress to determine whether it is a just claim or an honest claim, and, further, whether it ought to be paid in money, or, if the claimant be indebted to the Government on other accounts, whether it ought in justice and equity to be set off against so much of such indebtedness. As I would not vote for repudiation, so I would not vote any sum to be paid to any creditor of the Government so long as such creditor was indebted to the Government to the same or a greater amount.

The Central Pacific Railroad Company owes this Government more than \$60,000,000 for bonds and money paid by it in interest thereon. This fact is conceded. The Government owes the Central Pacific Railroad Company \$2,000,000

or more for transportation. This fact is conceded. Have we not the right to credit the Central Pacific Railroad Company with the \$2,000,000 on account, or place that amount to the company's credit in the sinking fund, ready for the final day of settlement, which the people have determined shall come.

But it has been said that the debt of the company to the United States is not due. What of it! The company has had the bonds of the United States for twenty years, and on them we have regularly paid the interest for the benefit of the company, and all on a contract binding the company to repay the great sum thus lent it. Is not that company chargeable with fraud—fraud upon its great creditor? When fraud can be charged successfully, an attachment on a debt not due will be maintained.

Was not a specific act of fraud proven on the floor of this House only a few days ago by the evidence of an honored member as to a specific act of misappropriation of money by the company? In the money thus misappropriated the Government had a specific and lawful interest; to a part of it a clear right. Yet it was taken, if not embezzled, by the company to pay for services on one of the very branch lines claimed by the company as having independent rights, although a leased line, as it is called. If we could rely upon facts and circumstances almost universally believed to be true, every member of this corporation participating in its management and control would be declared by a jury of their countrymen, if a prosecution were instituted, better fitted for the prison-house than for the councils of statesmen.

Sixty million dollars and more justly owing to the United States! Sixty million dollars out of the public Treasury and in the pockets of the managers of the Central Pacific Railroad Company! An admitted debt! A beneficent loan! Whether technically due or not makes no difference. It is a debt. It is in danger. Acts of fraud have been committed and great loss is threatened to the United States. The Government owes the Central Pacific Railroad Company \$2,000,000. We propose to owe it until some adjustment of the \$60,000,000 due us by the company is secured or a repayment made.

They say they have a judgment. A judgment! There is no judgment. There was a judgment rendered upon kindred claims to the amount of some \$22,000 only. But in that suit none of the equities or rights of the United States were necessarily considered. Suit was begun in the Court of Claims. The petition was filed, and was met by a demurrer on the part of the Government. Judgment was entered on demurrer. An appeal was gravely taken to the Supreme Court. Of course the judgment was sustained, properly sustained, as none of the equities of the United States or the frauds of the company were in issue.

What the court would have decided in case the whole of the facts and circumstances had been placed before it in a bill for relief is not for us now to speculate upon or determine. It is sufficient to note that, by the authority of the sovereign people, this Government has the power to do justice and pay this corporation what we owe it, offsetting our claim against theirs. This is the conclusion the committee have reached—the conclusion of justice or right, common sense or public duty.

[Here the hammer fell.]

The SPEAKER. The time of the gentleman from Missouri has expired. The question is upon agreeing to the amendments offered by the gentleman from Missouri [Mr. BURNES].

Mr. ADAMS, of Illinois. Mr. Speaker, I ask the gentleman in charge of this bill to allow me to send up and have read an amendment which I supposed was in the bill, but which has probably been omitted by inadvertence.

Mr. BURNES. I see no objection to the amendment.

The SPEAKER. Let the amendment be read.

The Clerk read the same.

Mr. DOCKERY. That amendment was directed by the House and should be incorporated in this bill.

Mr. BURNES. Yes. I suggest, however, that it ought not to extend beyond the 30th of June.

The amendment was agreed to.

The SPEAKER. The question now is on the amendment proposed by the gentleman from Missouri [Mr. BURNES].

Mr. BURROWS. I desire to ask the gentleman from Missouri whether the amendment which has been sent up proposing to pay \$10,750—the Texas matter—has not already been voted on by the House and been rejected.

Mr. BURNES. Yes, sir; it was voted on at the last session.

Mr. WEAVER, of Iowa. I wish to know whether there is a specific appropriation in this bill for issuing one and two dollar United States notes.

Mr. BURNES. That amendment has been read from the desk, and I answer my friend from Iowa that there is a provision for that purpose.

Mr. WEAVER, of Iowa. Does it specify one and two dollar United States notes?

Mr. BURNES. One and two dollar United States notes.

The SPEAKER. The question is on the amendment sent to the desk by the gentleman from Missouri [Mr. BURNES].

Mr. BURNES. I understand that the gentleman from Michigan [Mr. BURROWS] misunderstood the answer I made a few moments ago. The fact is that the amendment under consideration was passed through this House and also through the Senate at the last session and went into conference, where it got lost in the make-up of the bill. It was passed in the House, I believe, by a yea-and-nay vote.

Mr. BURROWS. The gentleman from Missouri [Mr. BURNES] stated a few moments ago that this Texas amendment was passed by both Houses at the last session, and was "lost" in conference. How did it get "lost?"

Mr. BURNES. Well, sir, the conferees concluded that, as this provision was in a section which had been amended in other particulars, they had the power to compromise on this item, and leave it out. I will say that I still think the conferees did have that power.

Mr. BURROWS. Did the conferees on the part of the Senate insist on taking it out?

Mr. BURNES. The conferees on the part of the Senate and those on the part of the House preferred, upon investigation, to leave it out. That is all I can say.

The SPEAKER. The question is on the amendment sent to the desk by the gentleman from Missouri [Mr. BURNES] on behalf of the gentleman from Texas [Mr. CRAIN].

The amendment was adopted.

The SPEAKER. The question is now upon the motion made by the gentleman from Missouri [Mr. BURNES] to suspend the rules and pass the bill with the amendments which have been read.

The motion was agreed to, more than two-thirds voting in the affirmative, and the bill was passed.

DEBATE ON URGENT DEFICIENCY BILL.

MARCH 3, 1887.

Mr. BURNES. I move to suspend the rules and pass the bill which I send to the Clerk's desk.

The Clerk read the bill, being——

To provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1887, and for other purposes.

The SPEAKER. Under the rules of the House thirty minutes are allowed for debate, fifteen minutes in support of and fifteen minutes in opposition to the motion.

Mr. BURNES. Mr. Speaker, the bill which has just been presented and read contains no item that was not in the general deficiency bill that passed this House a day or two ago, but at this late hour in the session it is felt both in this House and in the Senate that the general deficiency bill may fail.

There is such a possibility. In order, therefore, that we may take all proper precautions to provide, first, for the postal service of the country, without which provision that service might be greatly impaired; secondly, that we may provide for the silver certificates and legal-tender notes of the denominations of one and two dollars; third, that the courts of the country may not be compelled to suspend business for the want of appropriations for jury service and for the payment of fees and witnesses; and, finally, that the soldiers of the Republic, to whom \$734,000 are now due, according to the ascertainment of the Treasury officials, we have by this bill made it certain that whatever may be the fate of other bills these worthy objects will be properly protected.

Mr. McKINLEY. What is the total amount of this bill?

Mr. BURNES. One million five hundred and sixty-three thousand two hundred and fifty-seven dollars and seven cents.

Mr. McKINLEY. I understand that these are items which are embodied in the general deficiency bill, already passed?

Mr. BURNES. Yes, sir; every one of them.

Mr. BLANCHARD. If this bill passes the effect will be to give the Senate a choice as between the other bill and this, will it not?

Mr. BURNES. In reply to the suggestion of my friend from Louisiana, I will say that it will simply give the other body an opportunity to take its choice.

Mr. WARNER, of Ohio. I notice that in the bill the words "legal-tender notes" occur. I would suggest that by unanimous consent it be made to read "United States legal-tender notes."

Mr. BURNES. I have no objection to that modification.

The SPEAKER. If there be no objection the words suggested by the gentleman will be inserted.

There was no objection, and it was so ordered.

Mr. BUTTERWORTH. I understand that proper provision is made here for claims due to officers and soldiers of the Army?

Mr. BURNES. Yes, sir; for commutation of rations, back pay, bounty, horses lost, and all such claims.

Mr. CUTCHEON. I would be glad if my friend would be kind enough to explain why it is that the general deficiency bill has been abandoned in this way?

Mr. BURNES. In reply to the gentleman from Michigan I have only to say that we in no sense abandon the general deficiency bill. It is because of the superior necessity for these particular items that at this late hour, nearly 9 o'clock at night on this last evening of the session, we think it but a part of prudence to have this bill in a condition that the appropriations may be made for these meritorious objects whatever be the fate of the other bill.

Mr. LONG. What is the condition of the other bill?

Mr. BURNES. I understand it to have been in committee and is probably now being considered by the Senate.

Mr. LONG. Then it will probably pass that body?

Mr. BURNES. I do not know, sir. I have stated all I can on this subject. The committee, as I understand it, have reported it back to the Senate and it is probably under consideration. Whether it will pass or not is not for me to say.

Mr. LONG. Of course we may rely upon the committee to do all they can to secure the passage of the general deficiency bill as it passed the House.

Mr. BURNES. I will pledge myself to do all that I can conscientiously do in that direction if I should be a conferee.

Mr. BUTTERWORTH. I understand this includes items on account of demands with reference to which there is no dispute in either body.

Mr. BURNES. This includes items only concerning which the House and Senate are equally willing to agree.

Mr. RYAN. May I ask whether all objects embraced in this bill are embodied in the general deficiency bill now pending in the Senate?

Mr. BURNES. Every one of them. [Cries of "Vote!" "Vote!"]

The SPEAKER. The gentleman from Illinois is entitled to control the time in opposition.

Mr. CANNON. Mr. Speaker, the first knowledge I had of the contents of the bill just read, or that it was to be presented, was upon hearing it read at the Clerk's desk. I have no doubt that the gentleman is correct in his statement that it contains items that the general deficiency bill contains as it passed the House a day or two ago. I cannot tell whether it contains all the items that the gentleman referred to or all that class of items to which he refers from hearing its casual reading.

Mr. BURNES. All of the same class that were contained in the bill passed by the House.

Mr. RYAN. I desire to know whether this bill has ever been submitted to the Committee on Appropriations or any subcommittee?

Mr. CANNON. Oh, no; not as I understand it. The gentleman from Missouri can tell.

Mr. BURNES. Not at all.

Mr. RYAN. I never heard of it before.

Mr. McCOMAS addressed the House.

Mr. BURNES. Mr. Speaker, I beg that the thoughtful men in this House will hear me patiently for five minutes. I wish to call attention first to the criticisms made by my distinguished friend from Maryland [Mr. McCOMAS] upon what he calls the irregularity of these proceedings. Sir, every provision was matured in committee; every provision of this bill was matured in and by the Committee on Appropriations; every provision of it has been considered in this House and passed upon favorably by the House.

When the reason of a rule fails the rule should fail. We send our bills to committees to have them put into proper shape, and when that is once done and the action of the committee is sustained by the action of the House, then it is idle to say that the formalities of legislation have not been observed.

Referring for one moment to my distinguished colleague on the committee, the gentleman from Illinois [Mr. CANNON], I beg here to say—and I appeal to my colleagues themselves, and especially to the gentleman from Maryland [Mr. McCOMAS] to pass on the assertion—that in the transaction of business in the Appropriations Committee and with reference to appropriation bills I have never known or discriminated for party, or thought of the interests of one party as against the other. I believe my friend from Maryland will bear witness to the fact that here to-night I present these urgent deficiencies, not because I seek to benefit one party or the other, not because I have any partisan feeling on the subject, but with an earnest desire to provide for the American soldiers, whose payment this year but for the passage of this bill may be endangered. I appeal to this House in behalf of a proper supply by appropriation for the postal service of the country, in which deficiencies have been ascertained, provision for which has been sanctioned by the Committee on Appropriations and by an almost unanimous vote of this House.

As I have said before, I honestly believe—and if I could give you the opinions of others higher in authority than myself, not only in this Chamber, but the other, you would not doubt for one moment, these gentlemen to the contrary notwithstanding—that there is not only danger, but great danger, of the failure of the general deficiency bill.

Mr. CUTCHEON. Out of what does that danger arise? Will the gentleman tell us?

Mr. BURNES. It arises primarily from the shortness of the time for its consideration.

Mr. CUTCHEON. That is it exactly.

Mr. REED. When did that danger begin?

Mr. HISCOCK. I wish to ask the gentleman from Missouri——

Mr. BURNES. I beg to be permitted to answer gentlemen one at a time.

Mr. HISCOCK. Let me ask the gentleman this question: If we pass this bill to-night under a suspension of the rules, will it not be in the power of the Senate to add to this very bill by way of amendment the same items which are upon the bill now pending in the Senate?

Mr. BURNES. Mr. Speaker, all I need say in reply to the distinguished gentleman from New York is that if Senators have the same sentiment of devotion to these important interests that this House has shown they will do no such thing.

Mr. HISCOCK. Will the gentleman answer my question?

Mr. REED. Why do you not agree to the Senate amendments?

Mr. BURNES. Because I have not seen them, and we have as yet had no conference.

Mr. HISCOCK. I understand the position to be this: The Senate has amended your other bill by adding certain items, and now you want to have this bill passed because you think it will be better in conference to have this bill. That is all there is of it. Is it not so?

Mr. BURNES. No, sir. So far as conference is concerned, the passage or non-passage of this bill will have no sort of effect with me, if I should be one of the conferees.

Mr. HISCOCK. Every item in this bill is now in conference.

Mr. BURNES. It is not, sir. No conference has been held.

Mr. HISCOCK. Well, every item is pending in the Senate.

Mr. BURNES. I presume so; but when that bill will pass the Senate no one can tell; when we can get it into conference no one can determine.

Mr. BOUTELLE. Is there any more assurance in regard to this bill?

Mr. BURNES. I feel confident that the Senate of the United States will pass the bill without objection.

Mr. CUTCHEON. Well, I understand the gentleman is putting this bill out as a sort of life-preserver, so that if the other bill goes down this will float.

Mr. BURNES. That is it exactly. If the other bill goes down this "life-preserver" will "float" the soldiers whose claims have been audited for another year.

Mr. BOUTELLE. Is not the regular deficiency bill now under consideration in the Senate?

Mr. BURNES. So I understand.

Mr. BOUTELLE. How could this bill take precedence of the Senate on the regular deficiency bill?

Mr. BURNES. The Senate can pass this bill or not, as it pleases. Its passage here can do no harm in any event.

Mr. BOUTELLE. How does it expedite matters to drop this bill and take up the other?

Mr. BURNES. We do not drop the general bill.

Mr. HEPBURN. I desire to know whether the gentleman from Missouri presents this bill from the Committee on Appropriations?

Mr. BURNES. This bill is not from the Committee on Appropriations, but

every item in it was prepared and matured by that committee and passed through this House by an almost unanimous vote.

Mr. HEPBURN. Is the gentleman acting for that committee now?

Mr. BURNES. I am acting for myself; but I have consulted with various members of the committee whom I have happened to see.

The SPEAKER. The time allowed for debate has expired. The question is now on the motion of the gentleman from Missouri [Mr. BURNES] to suspend the rules and pass the bill which has been read. [The question having been put.] The noes seem to have it.

Mr. BURNES. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. CANNON. I move to reconsider the vote by which the yeas and nays were ordered. I think the bill can be passed without it.

Mr. BURNES. For the present I will withdraw the demand for the yeas and nays, and ask for a rising vote.

The SPEAKER. The yeas and nays have been ordered by the House.

Mr. BURNES. I ask, by unanimous consent, that the order be vacated.

There was no objection, and it was so ordered.

Mr. BURNES. I demand a division.

The House divided; and there were—ayes 116, noes 49.

So (two-thirds voting in the affirmative) the rules were suspended, and the bill was passed.

Later in the evening Mr. BURNES rose and said:

Mr. Speaker, we have not had time to prepare a formal report, but I am instructed by the conferees to say to the House that after a rapid but earnest conference we have agreed upon the general deficiency bill, and the report is now being put in shape by the clerks. I apprehend, however, that that formal report will not be in time to be presented in the House.

We have agreed, and I believe the measure as agreed upon will, if the report should come here in time, be satisfactory to the House and to all parties. I fear, however, that there will not be time to have the bill enrolled.

I desire to call attention to the fact that the "urgent deficiency bill" is in the Senate, and we have some hope that it may be called up and passed. Beyond this, I can say nothing. If there were time to consider the report, I think the House would be gratified to observe the provisions which have been retained in the bill.

Mr. TOWNSHEND. How much has been the increase on the part of the Senate?

Mr. BURNES. We have not had time to make any computations of that sort.

Mr. McCOMAS. I desire to say that the conference committee upon this bill, although fearing that the bill could not be finished in time to be sent to the President, and although informed that he would not come to the Capitol, proceeded nevertheless with the conference and agreed upon a report. We were then informed that the President was about to come to the Capitol. As my colleague on the committee [Mr. BURNES] has stated, the report is being made out but can hardly

get in here in time. The fact, however, remains that an agreement was reached, though the want of time to engross the bill and place it in the hands of the President must now cause its failure.

The SPEAKER. The Chair understands that the President is now in the Capitol. * * *

Mr. BUTTERWORTH. I yield to the gentleman from Missouri [Mr. BURNES] to present the deficiency bill report.

Immediately before adjournment he further remarked :

Mr. BURNES. I ask the House to accept this report, informal as it is. I can only state of the items sent us by the Senate two are still in the bill. The claims of the Pacific railroads, the judgment of the Choctaw Nation, and other things deemed offensive to a portion of the committee have been left out. We appropriate in this bill for finishing the four steel cruisers.

The SPEAKER. Is there objection to the request made by the gentleman from Missouri? [After a pause.] There is none ; and the report is agreed to.*

*It may be interesting to note here that the bill was sent to the President too late to be signed, and therefore failed to become a law.

FIRST SESSION,
FIFTIETH CONGRESS.

DEBATE ON URGENT DEFICIENCY BILL.

JANUARY 11, 1888.

Mr. BURNES. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of appropriation bills.

The motion was agreed to.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk will read.

The Clerk read the title of the bill, as follows :

A bill (H. R. 4271) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1887, and for prior years, and for other purposes.

Mr. BURNES. I ask unanimous consent to dispense with the first and formal reading of the bill.

There was no objection.

Mr. BURNES. It will be remembered that the general deficiency bill at the last session of Congress was perfected and passed through both Houses of Congress, but for some cause it failed to receive the Executive sanction.

The Committee on Appropriations, after conference with others who were engaged in the preparation and perfecting of the general deficiency bill of last year, came to the conclusion to adhere to the text of the bill which in the last session of the Forty-ninth Congress received the sanction of both the House and Senate and of the House and Senate conference committees.

That much work having been done, completed, agreed upon by the committees of the two Houses, it was deemed best not to disturb it now, nor reopen the controversies concerning which both Houses had finally agreed.

If the House will concur in this view and pass this bill, members may rest assured that it will be speedily followed by the usual urgent deficiency bill, in which every urgent public necessity can be provided for. Such a bill can be prepared, I am confident, within the next ten days or two weeks, and reported for consideration

to the House. If these suggestions should prove satisfactory an immense amount of labor which we have once before performed will not have to be repeated. In the bill now under consideration we have adhered closely, and I believe entirely, to the text of the bill of the last year. Nothing new has been introduced. I hope that nothing new will be introduced, because if introduced in this body it will be introduced elsewhere, and this bill, which ought to have been a law last year, may linger for months, to the delay of payments justly due to thousands of our citizens.

I hope therefore, and I am authorized to express the hope on the part of the Committee on Appropriations, that unless the matter be urgent, unless it be extremely urgent, no gentleman will attempt to ingraft upon this bill any new item that may properly be left to wait for the forthcoming urgent deficiency bill, to which allusion has been made. Then, also, the general deficiency bill will of course follow after the urgent deficiency bill; so that there will be two early occasions upon which everything can be provided for that ought to be provided for. With these words of explanation I submit the matter to the Committee of the Whole House.

Mr. CANNON. Will my friend yield to me for a moment?

Mr. BURNES. I yield to the gentleman from Illinois [Mr. CANNON].

Mr. ROGERS. Mr. Chairman, I desire to make an inquiry of the gentleman from Missouri [Mr. BURNES]. I wish to ask whether this provision in the middle of the twenty-seventh page is not new legislation. I understood him to say that there was nothing new in this bill.

Mr. BURNES. No new appropriation. In answer to my friend from Arkansas I will say that the provision he alludes to is not a new appropriation; it is a limitation upon an appropriation. It is a provision which the Attorney-General of the United States has suggested to the committee as a matter of great moment, intended to save large sums of money now being unjustly withheld or diverted from the Treasury.

Mr. ROGERS. It is not, however, in the old bill.

Mr. BURNES. It is not in the old bill.

Mr. ROGERS. Will the gentleman explain to the House the object of this provision? I have not had an opportunity of examining it at all.

Mr. BURNES. The object of the limitation is this: We are advised by the Attorney-General that a controversy has arisen between the Department of Justice and certain clerks in several of the circuit and district courts of the United States with regard to certain fees which those clerks refuse to recognize as any part of the official fees of their offices. I will instance cases of habeas corpus, arising perhaps more frequently in California than in any other portion of the country. Fees are charged there and elsewhere, in cases of naturalization and in habeas corpus cases, which, as I am informed, go exclusively into the pockets of the clerks. It is believed by the Department of Justice that those are official fees, and the Attorney-General desires authority for the Department to refuse to approve bills in favor of such clerks until those fees, which he regards as official fees, shall be reported and accounted for.

Mr. BROWNE, of Indiana. He simply desires that they shall be included in the emolument returns of the office.

Mr. BURNES. That is it. They refuse to include them in their emolument returns.

Mr. CANNON addressed the committee.

Mr. LAIRD. I would like to ask the gentleman from Illinois [Mr. CANNON] a question. I understand from the public prints that this committee has stricken from the present bill an item of half a million dollars for the Post-Office Department. Now, in my State and in the States of Kansas and Michigan about 3,000 miles of railroad have been built during the year just closed, and upon those lines of travel there is either no postal service or the service furnished is indifferent. I therefore ask whether the omission from this bill of the item to which I have referred will affect the condition of the postal service in our western country.

Mr. CANNON. I will say to the gentleman from Nebraska that the bill as agreed upon in conference, and which failed in the last Congress, carried appropriations to the amount of \$4,750,000; this bill carries \$3,950,000—\$800,000, in round numbers, less than the former bill.

As to the postal service, it is true that this bill does not include items which were in that bill intended for the service of the last fiscal year, which expired on the 30th of June, 1887; and they are not included for the reason that if we should give the money now it could not be expended. I grant you that the money ought to have been given last March, and we ought to have had more efficient postal service in many portions of the country, as we would have had if that money had been given. But as it was not appropriated, the time in which the service could be performed has passed, so that it is not necessary to give it now.

Mr. BURNES. Mr. Chairman, I had not anticipated the remarks which have just been made by my friend from Illinois [Mr. CANNON], nor perhaps the inquiry of the gentleman from Nebraska [Mr. LAIRD]; but, after what has been said, I feel sure it is my duty to remark in reply that there has been a great misunderstanding of the facts relating to the subjects which have been under consideration by those gentlemen.

This deficiency bill in the last Congress was passed through the House of Representatives before some of the other general appropriation bills, before some of the most important appropriation bills that go through this House, went to the Senate of the United States. The same time, therefore, was given for its consideration elsewhere that was given for the consideration of other appropriation bills. Not only that, sir, but when there was a fear that the Post-Office service, to which allusion has been made, would not be provided for, that the payments to the honored soldiery of the country for lost horses and for bounty and back pay would not be made, I had the honor, taking the responsibility largely upon myself, but acting in accord with many of my colleagues on the committee, to state the circumstances to the House and introduce a bill, under a motion to suspend the rules and pass the same, which I now ask the Clerk to read.

The Clerk read the bill.

Mr. BURNES. I wish to call especial attention of the Committee and of the

country to the fact that neither the Appropriations Committee of the House of Representatives nor the House itself was in default with regard to the presentation or passage of a proper bill for the purposes stated. In proof of it I have had that record read, in order that every gentleman might see how earnestly the House, at least, endeavored to provide for every important interest alluded to in this debate. That bill was passed through the House in ample time to have been fully enacted and made a law.

Sir, I have no word of censure to utter against any gentleman on the other side of the House as to his course on that occasion, because we all united in the tendering of this important measure to the Senate for the benefit of the soldiers; for the purpose of enabling the courts to continue their sessions throughout the year 1887; for the purpose of paying these post-office obligations; providing for the postal service and the extension of the free delivery, including the issue of the legal-tender notes of small denominations, to which my friend from Iowa [Mr. WEAVER] had given valuable assistance and close attention. All these things, I say, were provided for in that bill, which was sent in due season elsewhere.

Mr. MILLIKEN. Will the gentleman yield for one question?

Mr. BURNES. Not now, but in a moment. This bill, when it left this House left it freighted with the hopes and expectations of every member that it at least would be enacted into a law. Not one item in that bill was ever objected to by any gentleman either in the conference or upon this floor. Each and every item had the sanction of every one; but, notwithstanding all this, it was never even considered at the other end of this Capitol, and of course failed to become a law.

It is significant in this connection that the general appropriation bill providing for the executive, legislative, and judicial expenses of the Government for the fiscal year 1888 passed the House after the general deficiency bill had gone through and had been sent to the Senate. It seems there was time enough for that bill to become a law, perhaps because it provided for the payment of our own salaries and those of others. [Laughter.]

Mr. MILLIKEN. Is it not true these bills, near the close of the short session, were dumped all together upon the Senate, so that it was possible to examine only the most important? Was it not obliged to leave this or some other bill unexamined?

Mr. BURNES. I beg to say to my friend from Maine the usual practice in the Senate is supposed to be to commence the consideration of appropriations in the committee of that body just so soon as the estimates are received, and they come to each House at the same time, so that when the House bills come to them the whole matter will have been studied and understood, so that the work of the committee after the receipt of the bills will be brief and easy. Besides, the Senate committee have the advantage of the work, reports, and debates in the House, which are generally very complete and exhaustive on all important subjects.

Mr. MILLIKEN. But is it not true that they cannot all be examined at the same time?

Mr. BURNES. I have already answered the gentleman, I think, but I will simply answer his interrogatory in the affirmative.

A word more. I am not making a general defense of the policy pursued in these matters, although I am prepared to do so on any proper and necessary occasion. While I blame no one here or elsewhere, yet I must state some facts of which the country seems to be ignorant. Now, while there was time to pass the executive, legislative, and judicial appropriation bill, and to have it approved by the President, yet it seems there was neither time to complete nor to have approved the general deficiency bill, nor the special bill we sent to the Senate. While there was not time to pass those bills, it seems there was time enough to take one special item out of the general deficiency bill, which failed, and pass it in the shape of a joint resolution through both Houses and send it to the President for his approval. This bill, read in your hearing a moment ago, could not be passed, we are told, but one of the other provisions contained in the bill which failed could be taken out, returned to the House, and sent to the President in time to become the law.

Mr. MILLIKEN. What item does the gentleman refer to?

Mr. BURNES. To the appropriation of \$25,000 to pay the expenses of certain Senate committees which were incurred in the discharge of some public or outside duty.

Mr. MILLIKEN. What committees?

Mr. BURNES. Committees of the Senate.

Mr. MILLIKEN. Did not this bill go to the Senate as late as the 1st of March, and did not Congress adjourn on the 4th of March?

Mr. BURNES. I believe Congress did adjourn on the 4th of March. The record will show when the bill went to the Senate. It went there before the legislative, executive, and judicial appropriation bill did.

When this bill, with all these appropriations for the postal service, for the benefit of the soldiers, to relieve the courts, went to the Senate its consideration was objected to by the Senator from Vermont, and yet when a joint resolution containing a provision taken from the deficiency bill then pending, and appropriating \$25,000 for the payment of the expenses of certain committees of that body was presented in the Senate, the Senator from Vermont, after demanding its reading, interposed no objection to its consideration and it became a law.

I do not care about saying anything unkind, and I will not say anything unkind of any one. I see no need of any unpleasantness in this matter. I know we all here did our duty. If the committee did not report the bill to the House in time, my distinguished friend from Illinois [Mr. CANNON] is as much to blame as any one of us, because we are often indebted to him for his activity and the intelligence and respectability which he lends to the subcommittee on the deficiency bill. [Laughter.] Neither he nor my friend from Maryland [Mr. McCOMAS] ever fails us.

Mr. HENDERSON, of Iowa. I would like, with the permission of my friend from Missouri, to make a few remarks on this subject.

Mr. BURNES. I will yield to my colleague on the committee with pleasure.

Mr. HENDERSON addressed the committee.

Mr. REED. Perhaps it is easier for a member who did not belong to the Committee on Appropriations to make the appropriate remarks upon this occasion.

The candor of the gentleman from Missouri [Mr. BURNES], which just now enabled him to inform the gentleman from Nebraska that any member could undertake charge of this bill when before the House, has not permitted him to state what was the actual condition of affairs connected with this deficiency bill which passed the House under a suspension of the rules. * * *

The fact has been brought out here that a Democratic House changed the law whereby appropriations were made in advance, so that upon the decisions of the Auditors and their judgments rendered in favor of payment, under the law of the land these claims could be paid, and to-day we are all of us in receipt of letters from men whose claims have been adjudicated months ago, claims which, although they were adjudicated only months ago, were due years and years ago, and have not yet been paid because the Committee on Appropriations have not provided the proper appropriations to enable the Government officers to pay these debts as fast as they are ascertained to be due. And this in the face of abundant money in the Treasury; this in the face of a surplus which we seem to be unable to find out what to do with. I should not allude to this matter if it were merely ancient history, for I am satisfied that the country cares very little about things which are a year old; but it is because of the opportunity to give a warning for the future that I take this occasion to express to the House the actual situation of affairs. A bill had been passed; it was in the conference committee. Gentlemen on the other side were unwilling to pass upon these matters, and sought to avoid it by presenting us, in the last days of the session, with many items which there was no opportunity for the other branch of Congress to consider; yet now they present themselves to the country as the original and urgent movers, and our side as those who were obstructionists, and who prevented these honest debts from being paid. I must say that this seems to me to exceed even the regular courage of the gentleman from Missouri. [Laughter.]

The CHAIRMAN. The gentleman from Missouri has eight minutes of his time remaining. To whom does he yield?

Mr. BURNES. I will first occupy five minutes myself.

Mr. Chairman, I trust it is not necessary at this day that the question of candor between the gentleman from Maine [Mr. REED] and myself should be considered. I have never impugned his candor; he seems to impugn mine. Now, I simply place my assertion against his, and I say that, with all his prophetic vision, with all his wondrous judgment, with all his immense power, he has not divined aright the motives which actuated me or those who served with me on the Appropriations Committee. This for that, and that may settle it; but, sir, if it be necessary to antagonize candor with candor, or the want of it with the want of it, I would ask the gentleman from Maine who it was that repealed the law with regard to the payment of these claims due to soldiers? Was it a Democratic or a Republican Congress? How did that law get changed? Even the Republicans of the country saw that, under a law which authorized a clerk in a Department to audit these claims, innumerable frauds would spring up, and they repealed that law in the Forty-third Congress, in 1874. This for that also.

Mr. CANNON. The gentleman desires to be accurate, I am sure?

Mr. BURNES. I do, sir.

Mr. CANNON. The permanent appropriation that had been made for the payment of these claims was repealed and the practice changed in the Forty-fourth Congress.

Mr. REED. I relied upon the statement of the gentleman from Illinois [Mr. CANNON], who is generally accurate.

Mr. BURNES. My friend from Illinois is mistaken. The repeal was made in the Forty-third Congress; but, no matter about that.

Mr. REED. It is a very serious matter.

Mr. BURNES. But even this I do not impute to the gentleman from Maine [Mr. REED] as indicating a want of candor, because the House knows that he is the soul of candor, especially on political propositions. [Laughter.] I attribute it to him rather as a mere act of forgetfulness. It was so easy to assume that this had been done by a Democratic House that it was thought well to consider that it was so done, and so, in that way, without consulting the record, the gentleman has involved himself in this little difficulty.

I now yield my remaining three minutes to the gentleman from Pennsylvania [Mr. RANDALL].

Mr. RANDALL addressed the committee.

Mr. BURNES. I ask unanimous consent to have read the fifth section of an act approved June 20, 1874, this provision being known as the "covering-in act," of which Mr. Garfield was the author.

The CHAIRMAN. The time of the gentleman from Missouri having expired, he asks unanimous consent that this section of the law be read. The Chair hears no objection.

The Clerk read the act.

Mr. BURNES. Under that law the Treasury Department certified these balances for appropriation and repudiated what seemed to have been sanctioned merely as a practice of the Department up to that time. Under the lead of that distinguished man, then a member from Ohio, Mr. Garfield, whose name is associated with this provision (for he brought in the measure), that law was passed to remedy the difficulty. Under that law these estimates, since the passage of that law, have been made and these claims reported to us.

Mr. CANNON. According to my recollection, I am satisfied that the law which the gentleman has had read did not repeal the permanent appropriation which had been made prior to that time for the payment of this particular class of claims.

Mr. BURNES. My friend from Illinois will allow me to say that if this is not the law under which we get these estimates and make these appropriations it is his duty or the duty of the distinguished gentleman from Maine [Mr. REED] to show us what law we have with regard to that matter. I say that the law has been so recognized by every Republican and Democratic administration from that day to this. I challenge gentlemen to prove the contrary by citing some other provision of law.

Mr. CANNON. That is the gentleman's assertion.

Mr. BURNES. From a Republican administration the estimates came in under that law at the first session of the Forty-fourth Congress, a Democratic Congress.

Mr. CANNON. I say again I am satisfied the gentleman is mistaken. But suppose that to be true, does the gentleman approve of the law?

Mr. BURNES. Yes, sir; I approve of it from the center of my heart.

Mr. CANNON. Right there, then, we have at least an issue. I do not approve it, touching this class of claims.

Mr. BURNES. I am satisfied the name of General Garfield is not as influential on the other side as it used to be.

Mr. CANNON. The gentleman abounds in general statements. He seeks now to cover the weakness of his position by invoking the memory of Garfield. Garfield was but a man after all, but an eminent one. I admired him when he was a member of this House and voted for him for President. Possibly I cannot now commend him that he is dead as strongly as the gentleman from Missouri, yet I stood by him much more closely when he was living than did the gentleman from Missouri. [Laughter and applause.]

Mr. HENDERSON, of Iowa. Will the gentleman allow me to ask a question?

Mr. CANNON. Certainly.

Mr. HENDERSON, of Iowa. Is it not true that not one of these accounts has been thrown out of the Appropriations Committee in the last three Congresses?

Mr. CANNON. No.

Mr. HENDERSON, of Iowa. Is not that true?

Mr. CANNON. No; it is not true. During the first session of the Forty-eighth Congress the gentleman from Missouri [Mr. BURNES] had charge of a similar deficiency bill, and in preparation of the same he ran his pencil through one-half of this class of claims. When I made an effort and moved an amendment in the Committee of the Whole House to provide for them, he opposed it; hour after hour and day after day he fought against putting them into the bill. He was sustained by his side of the House and the appropriation was not made for them during that session.

Mr. HENDERSON, of Iowa. Have they not been appropriated for since?

Mr. CANNON. Oh, yes; they were appropriated for the next session, but not for over a year after they were audited, and twenty years after they were in fact due.

Mr. HENDERSON, of Iowa. That is what I wish to bring to the attention of the House; that if fraud has been committed, the present system works delay and does not expose that fraud. That is what I wish to get before the House.

Mr. BURNES. I rise for the purpose of correcting a statement of my esteemed friend from Illinois, and I am quite sure he wishes to be accurate in what he says.

Mr. CANNON. Certainly.

Mr. BURNES. I assert, and it is assertion against assertion, the record shows that since I have been on the committee more than \$100,000 of improper claims, in the judgment of the Committee on Appropriations, have been detected and rejected.

Mr. CANNON. This class of claims?

Mr. BURNES. Claims for horses lost in the service.

Mr. CANNON. For horses claimed to have been lost in the service?

Mr. BURNES. Yes; under that title—

Mr. CANNON. The gentleman does not want a wrong impression to go to the country.

Mr. BURNES. I do not.

Mr. CANNON. And he and I cannot afford to seek to obscure the fact with general statements. I ask him again if every claim that has been certified for horses lost, in fact—lost by individuals—in the class of claims to which he refers, has not been appropriated for?

Mr. BURNES. Every claim certified up for one horse, or, perhaps, for two horses, lost by soldiers, has been found correct and appropriated for; but the gentleman will understand me; every item of that class audited by the same Department, sent up in the same document, holding a place alongside of meritorious claims, has not been paid.

Mr. CANNON. But those items were not for horses, in fact?

Mr. BURNES. No; they were not for horses.

Mr. CANNON. That is just it.

Mr. BURNES. The gentleman from Illinois remembers the cases, I am sure. They aggregated nearly \$100,000, and were certified to Congress along with individual claims of soldiers for horses lost in the service, and under the general title of "horses and other property lost in the military service." Upon investigation and examination of the papers in the cases it was developed that the allowances were in fact to certain insurance companies for steamboats destroyed while in the service of the Government. The insurance companies, having made good the losses to the owners, sought to hold the Government liable to them for their losses, and obtained a settlement by the accounting officers of the Treasury to that effect.

The Committee on Appropriations and the House did not regard these claims as just, notwithstanding the Treasury settlement, and refused to appropriate for them. Mr. Maynard, recently Second Comptroller of the Treasury, re-examined these cases and reported against them during the last Congress, in House Executive Document 210, Forty-ninth Congress, second session, thus justifying the action of the committee and the House in refusing the appropriation.

Mr. CANNON addressed the committee.

Mr. BURNES. I now call for the reading of the bill by paragraphs.

The Clerk proceeded to read the bill.

Mr. BURNES. On information received directly from the Treasury Department and from the Bureau of Printing and Engraving, I am instructed by the committee to offer the amendment which I send to the desk.

The Clerk read as follows:

Insert:

"And the number of plate-printers and plate-printers' assistants may, by direction of the Secretary of the Treasury, be increased to two hundred and two hundred and thirty, respectively."

Mr. BURNES. I wish to say only with regard to this proposition that the necessity for engraving larger amounts than usual of internal-revenue certificates has made it necessary to give the Bureau of Printing and Engraving an additional force—increasing it from one hundred and eighty-seven and one hundred and eighty-eight to the numbers stated, two hundred and two hundred and thirty.

Mr. REED. The gentleman from Missouri [Mr. BURNES] cited a law which I would like to have him explain as to its bearings. I made the statement that the Democratic House of the Forty-fourth Congress was responsible for the change which was made. It is true that I made that statement upon the authority of the gentleman from Illinois. The gentleman from Missouri in reply has read a statute which he says prevents the line of action that I suggested ought to be continued. * * * Now, how is it possible for that provision to prevent this House from appropriating a sum to be applied to the payment of these debts as they are adjudicated by the officers of the Government I am unable to see. We appropriate in every Congress sums to be expended in payment for printing, the amount of which cannot be accurately calculated in advance, and so for many other purposes of the Government.

Mr. BURNES. As a matter of course, Mr. Chairman, it is competent for Congress to do that which the gentleman suggests, but it is scarcely profitable for him and myself now to discuss this question of law further than we have discussed it. I simply speak from experience and observation when I say that under this law the Treasury Department has been making these estimates for special annual appropriations. I know of no other law under which, in either the Forty-fourth or the Forty-fifth Congress, such estimates were made, and I apprehend that the gentleman will find it has been under the construction put upon this statute, which we need not now discuss. If the construction is wrong, then the gentleman is right. If the construction is right, then I am right; but I think we had probably better examine this law question "off horseback."

The amendment of Mr. BURNES providing for an additional number of plate-printers and plate-printers' assistants in the Bureau of Engraving and Printing was agreed to.

The Clerk read the following paragraph.

Mr. VANDEVER. I desire to offer an amendment to that paragraph, which I send to the desk.

The amendment was read, as follows:

For defraying expenses and accrued deficiencies in the mail service at post-offices in Southern California, as the Postmaster-General may direct, for the year ending June 30, 1887, \$100,000.

Mr. BURNES. Mr. Chairman, I make the point of order against that amendment that it is not the subject of any estimate and does not come before us in any regular way. We do not know officially that there is any such deficiency. It does not so appear, nor does it appear that there is any law for this service.

The CHAIRMAN. The Chair will hear the gentleman from California [Mr. VANDEVER] on the point of order.

Mr. VANDEVER addressed the committee.

Mr. BURNES. I would not insist on the point of order if it were not so clearly apparent that it would be impossible for us to remedy the grievances complained of without assistance from the Post-Office Department, without official estimates and information, and without due consideration of the subject in the committee. I trust, therefore, I shall be excused for insisting on the point of order.

Mr. BUCHANAN. I ask the gentleman from Missouri to yield to me for the purpose of asking a question.

Mr. BURNES. Certainly.

Mr. BUCHANAN. I wish to inquire of the chairman of the subcommittee on Appropriations this question: Whether the point is made that this amendment is subject to the point of order simply because it has not been submitted to the committee; and, if so, under what rule is it made?

Mr. BURNES. I will answer my esteemed friend from New Jersey that we have a general law providing for the regulation of this entire service, and this amendment, if adopted, would have the effect to extend the existing method of appropriating money under that law. It is not in order because it is not in accordance with the present law, but, on the contrary, is in direct conflict with it, and in making new law——

The CHAIRMAN. The Chair is constrained to sustain the point of order, as the amendment is not a deficiency within the legislative meaning of that term. The amendment is therefore ruled out.

The Clerk proceeded with the reading of the bill.

Mr. ROGERS. I wish to call attention of the House to the fact we find in the appropriation bill of last year some provisions which were under consideration by the last House not included in this bill. For instance, there was an item of \$50,000 for fees and expenses of marshals, with a proviso, which I do not find in this bill. Why is it left out of the present bill?

Mr. BURNES. I will answer the gentleman from Arkansas. Since that bill was under consideration by the last House the Department has sent in new estimates, including only those which experience has demonstrated to be now necessary to carry out the law and provide for the exigencies of the public service. We have, of course, followed the estimates and recommendations of the Department in that regard.

Mr. ROGERS. What provision is there in this bill as a substitute for the one contained in the bill of last year, and to which I have referred?

Mr. BURNES. There is no provision made in this bill, because there was no estimate or recommendation under that head.

Mr. ROGERS. Do I understand the estimates upon which this bill is based take the place of the estimates upon which the previous bill was made up?

Mr. BURNES. This bill was intended to cover every important item in the other bill under the estimates of the Department. It only omits such items which, by the lapse of time or for other reasons satisfactory to the Department, have not been estimated for.

Mr. ROGERS. That is not sufficiently explicit. This bill does not touch the subject at all of the appropriation to which I have referred, of \$50,000 for fees and

expenses of marshals, included in the bill of the last House. Now, why is that omitted while other provisions of the bill last year are included? Why should that be omitted while forty other provisions of the last bill are included? Why does this bill strike that out and leave the others in?

Mr. BURNES. According to the estimates of the Treasury Department it did not seem to be required, and therefore was omitted.

Mr. ROGERS. I think you are mistaken as to that.

Mr. BURNES. We are advised there is money enough in the hands of the United States marshals for all purposes, and it only requires the marshaling of the assets they have on hand to pay everything which may be due. Some marshals have too much, others too little, and when matters come to be adjusted no deficiency will exist for which appropriation is needed. Therefore, perhaps, no estimate has been made at this session and no provision has been included in this bill. It has been nearly a year since the bill was under consideration in the last House, and since then settlements have been made.

I will read, for the information of the gentleman from Missouri, the letter of the Secretary of the Treasury inclosing the estimates and recommendations upon which the present bill is founded.

The letter was read.

Mr. ROGERS. Where did you get the basis for the item in the former bill?

Mr. BURNES. From the estimate submitted during the last year.

Mr. ROGERS. Why do you strike it out of this bill when it was included in the last bill?

Mr. BURNES. Because no estimate came for it to us this year, and we naturally inferred that in adjusting the estimates and allowances to the various marshals the sums found due by the Government in 1886 had been satisfied and paid.

Mr. RANDALL. Since then, the Department having repossessed itself of balances on hand, had been able to pay what was due.

Mr. BURNES. And as no estimate or recommendation was made by the Department, we have not included any appropriation in this bill.

Mr. ROGERS. I ask the gentleman from Missouri why it is that this bill does not include many items embraced in the bill of last year? Does it not omit one-half of the items embraced in the bill of a year ago?

Mr. BURNES. No, I think not.

The Clerk read the next paragraph.

Mr. COLLINS. Mr. Chairman, I make the point of order upon the provision that it is new legislation, not only in reference to several existing provisions of law, but it is in violation of the rules of the House.

Mr. BURNES. I ask my friend from Massachusetts to reserve the point of order until the proviso is perfected.

Mr. COLLINS. Very well.

Mr. BURNES. In lines 16 and 17 of this provision I am instructed to move to strike out the words "he thinks" and insert in lieu thereof "the Attorney-General may determine."

The CHAIRMAN. Does the gentleman insist upon his point of order?

Mr. COLLINS. I do.

Mr. BURNES. I can only offer in opposition to the position taken by the distinguished gentleman from Massachusetts the statement that this appropriates certain money for the payment of certain Government officers, and the provision which he calls in question is simply a limitation put upon the appropriation. I am certainly apprised of the fact that the point has been sometimes in the past determined here that it was competent for the House or Committee of the Whole to put a limitation upon an appropriation of money, because it was a proper thing that the Congress which provided the appropriation should also say how it should be expended, even if it involved a repeal of an existing statute.

The necessity for this proviso has been made manifest to the Attorney-General, and this provision was sent to the committee by him. He says that great losses of public money are occurring because of the want of such a provision of law, and that if this proviso is incorporated into the bill it would compel the clerks of courts to account for certain moneys they received.

One thing more only. I do not wish to argue the merits of the question at all. My friend from Massachusetts alludes to the action or possible action of the Attorney-General as likely to be capricious, or, at least, that this places it within his power to have officers conform to his own will. I call the gentleman's attention to the fact that that is the trouble in this case exactly that is designed to be remedied here.

But it is not applicable to the Attorney-General, but in many cases to the judges of the district and circuit courts of the United States. These fees which are claimed by the clerks as private fees, and which are not accounted for, are in many cases going to clerks who bear the most intimate relations, either by blood or marriage, with the judges themselves. Hence the necessity for it. I do not care particularly, however, myself.

Mr. COLLINS addressed the House.

The CHAIRMAN. The Chair holds that though this may be a limitation on the expenditure, nevertheless it is in the nature of new legislation in some respects, and changes existing law very materially in other respects. Therefore the Chair sustains the point of order made by the gentleman from Massachusetts.

Mr. BURNES. I am instructed by the Committee on Appropriations to move the insertion at this place of a provision which was in the original bill and which was left out in the preparation of this bill.

The Clerk read the same, being for—

Payment of judgments and awards recovered against the United States for flowage damages caused by the improvement of the Fox and Wisconsin Rivers.

Mr. RANDALL addressed the House.

Mr. BURNES. Mr. Chairman, I feel it due to myself to say that I share with the honored chairman of our committee [Mr. RANDALL] all possible prejudices against these items of appropriation which have just been read—

Mr. RANDALL. The gentleman is mistaken; I have no "prejudices."

Mr. BURNES. "Hostility" is the better word. I will not speak of the gentleman's "prejudices," because he is not a man of prejudice; but he has hostility sometimes. I share his hostility to these items of appropriation. I would no more vote for them than I would vote to tear down this Capitol, but for the fact that I believe, as I am advised by my esteemed friend from Wisconsin [Mr. GUENTHER] and other gentlemen more familiar with the facts than myself, that this is a most fortunate way out of a very unpleasant and unprofitable difficulty.

By the act of March 3, 1875—and there are many gentleman probably now on the floor who are not familiar with the history of this transaction—jurisdiction was given to a State court in Wisconsin to appoint commissioners and *ad libitum* to award damages to everybody who might claim to have suffered injury from the overflow of the Fox and Wisconsin Rivers by reason of the construction of some public works, constructed no doubt for the benefit in the main of private individuals; but many gentlemen here who feel an interest in this matter have read that statute, have looked through the records which have come to us from the courts, and remember the fight which was made in this House last year on this question when the distinguished gentleman, General Bragg, then a member from Wisconsin, came down that aisle and carried the House with him upon this proposition.

In view of all the circumstances, and with the knowledge that the Senate stands now upon this question as it stood then, that both Houses have been compelled, we may say, to agree to these appropriations, I am willing now to acquiesce, solely for the purpose of wiping out that legislation of 1875, which has involved us in this trouble. I take this position in view of the statements made in the committee by these distinguished gentleman that if appropriations are made to pay these awards and judgments, the original act being at the same time repealed, we need not fear any further calls upon us to pay damages for those overflows, while, if the law should continue to stand, we may be involved in suits for damages from year to year, which I have heard through the newspapers are likely to amount to \$2,000,000.

Mr. GUENTHER. That is a highly exaggerated statement.

Mr. BURNES. That, I am informed by the gentleman from Wisconsin, is a highly exaggerated statement on the part of the papers——

Mr. McMILLIN. If I understand, then, the position of the gentleman from Missouri, he is willing to agree to this proposition to pay \$100,000 in order to buy peace on this question.

Mr. BURNES. Substantially to pay \$100,000 in order to get rid of obligations which otherwise may cost us something like \$2,000,000.

Mr. McMILLIN. And on that ground to pay claims which the Government does not in justice owe?

Mr. BURNES. I cannot go quite that far, for the reason——

Mr. McMILLIN. In the discussion last year, as I think the gentleman will remember, he went that far, and I am satisfied he was right in doing so.

Mr. BURNES. It is simply a question of the meaning of words.

I desire to say there is neither equity, nor justice, nor any sort of merit in these

claims, but for the fact that they have met the approval of the courts under the law of 1875. In consequence of the action of the courts, I feel that, although there is neither merit nor justice, in the broad sense of the term, in these claims, there is imposed upon us a legal obligation which, sooner or later, we shall probably have to meet; and I think it better to meet it in this way, and at the same time get rid of the original law, than to take the chances of the claims which may otherwise be presented hereafter.

Mr. McMILLIN. The gentleman will permit me to ask this question: When the act to which he has referred was passed, was it not understood that the final question of payment or non-payment of these claims was reserved for the consideration of Congress, and does not the duty of sifting these claims and deciding upon their justice rest upon us to-day to the same extent as if that act had not been passed?

Several MEMBERS. Oh, no.

Mr. BURNES. I think not. The law gave the right of appeal to the Government, but not the power to refuse payment of the sums which might be found due. That is our condition. We are helpless.

The amendment of Mr. BURNES was agreed to, the Clerk resumed and concluded the reading of the bill.

Mr. BURNES. I move that the committee now rise and report the bill and amendments to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Cox reported that the Committee of the Whole House on the state of the Union, having had under consideration the special deficiency bill, had directed him to report the same to the House with sundry amendments.

Mr. BURNES. I demand the previous question upon the amendments and upon ordering the bill to be engrossed and read a third time.

The previous question was ordered.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

BRIEF REMARKS UPON THE JURISDICTION OF THE COMMITTEE
ON APPROPRIATIONS.

JANUARY 18, 1888.

Mr. BURNES. Mr. Chairman, with regard to the information communicated by my distinguished colleague, the chairman of the Committee on Agriculture [Mr. HATCH], I desire to say he is entirely correct in his statement of the suggestion made by the chairman of the Committee on Appropriations when he [Mr. HATCH] and other committee-men were before the Appropriations Committee; but I understood that to be an expression of the opinion of the chairman of the Committee on Appropriations. I did not understand that any action was taken by the committee, or that any other members of the committee concurred in the suggestion of the chairman. On the contrary, there was considerable discussion with regard to the time when this item would be placed in the forthcoming urgent deficiency bill.

But I care nothing for that. It is not a question as to the opinion of the chairman of the Committee on Appropriations, or of my opinion, or the opinion of my distinguished colleague. It is a question relating to the rights of the House and the duties and obligations of the Chair.

I will say before I conclude, Mr. Chairman, that I am heartily in favor of this appropriation, and make no sort of objection to it as a personal matter; but I deem it to be my duty to call the attention of the chairman and of the Committee of the Whole House to the facts and the law bearing on the proposition.

The Secretary of the Treasury, on the 22d of December, transmitted his estimates for urgent deficiencies to the House, as will be seen by reference to the printed document, and by order of the House these estimates were referred to the Committee on Appropriations. Now, in these estimates I find the precise appropriation contained in this bill. The House, therefore, has given jurisdiction of this subject to the Committee on Appropriations, and it is legally before that committee. I think, sir, that it is not in the province of this Committee of the Whole to consider a proposition which, by the House, has been disposed of in a different direction. I submit this proposition with great reluctance, but I think it incumbent upon me to do so, as a precedent may be established which may result in injury hereafter.

Mr. HATCH. Mr. Chairman, in reply to my colleague it is only necessary to reiterate the single statement made by me that this is an original appropriation, and that the entire and complete jurisdiction over the subject-matter of this bill and its appropriation is with the Committee on Agriculture, under the rules of the House. The gentleman will not undertake to say, and no member of the Committee on Appropriations will contend, that in the annual appropriation bill which

will be reported to the House by the Committee on Agriculture they cannot properly, under the rules of the House, report an appropriation to carry out the provisions of this act, just as we submit our appropriations from time to time to carry out the animal-industry act and other acts submitted under the jurisdiction of that committee. The only question is whether it is a deficiency or an original appropriation. If it had been a deficiency the position of the gentleman would have been correct, and until that decision was made by the Speaker of the House the Committee on Agriculture did not assume to take jurisdiction of it, but appointed a subcommittee, of which the gentleman from Mississippi was one, to wait on the Committee on Appropriations and urge that it might be embraced in the urgent deficiency bill. For the first time the point of order has come from that committee, for no protest was made during the time the subcommittee was in the room of the Committee on Appropriations that it was a deficiency. They did not make any appropriation in that bill for it.

Mr. DINGLEY. Mr. Chairman, I make the point of order that the objection comes too late, for the House has referred it to the Committee of the Whole House.

Mr. HATCH. The passage of the bill has been reported to the House and has been entered and referred by the Speaker of the House to the Committee of the Whole House on the state of the Union. That is an answer to the proposition. But that it comes too late there is no question. The bill is under consideration by the Committee of the Whole, and certainly this committee has jurisdiction of it, whether the committee which reported it had or not.

Mr. BURNES. The question of jurisdiction is never waived. It is one altogether beyond the proposition. Here is the order of the House by which this bill has been referred to this committee. The Speaker takes no note of the contents of a bill, and the House takes no note of the contents of a bill; and it was referred as a matter of course to the Committee of the Whole House. But few knew whether it was an appropriation for the current year or for the fiscal year ending June 30, 1889.

The fact that this appropriation is for the current year makes it a deficiency. That will not be questioned. I do not think there can be any doubt of a proposition so plain. The deficiency in the appropriation for the current year goes, under the rules, to the Committee on Appropriations. If this were an appropriation for the next fiscal year it would be an original appropriation. I raise the point, therefore, on the ground that, as it is a deficiency, this committee has no jurisdiction whatever over this proposition:

The CHAIRMAN. The Chair is of the opinion that the point raised comes too late, the committee having entered upon the consideration of the proposition. When the bill was referred to the committee was the time to reserve the point of order, but not having been reserved it is now too late to do so.

REMARKS ON THE STRIKE ON SOUTHWESTERN RAILROADS.

FEBRUARY 1, 1888.

PROMPTED DURING THE DISCUSSION ON A BILL PROVIDING FOR THE INVESTIGATION OF THE STRIKE OF THE MINERS AND EMPLOYÉS OF THE READING RAILROAD COMPANY AND THE READING COAL AND IRON COMPANY OF PENNSYLVANIA.

Continuing, Mr. DAVIS said:

The history of the Congressional investigation during the last Congress of the strike on the Southwestern railroads illustrates this fact. The committee had a most important subject to consider—a railroad disturbance which involved an immense system of railroads and an interruption of interstate commerce throughout the country, and which was associated with violence, riot, and bloodshed.

It was a subject which required probing to the bottom, and a committee of this House was appointed for the purpose; the distinguished war governor of Pennsylvania, Mr. Curtin, was its chairman; another member of the committee is a distinguished member of this Congress [Mr. BURNES]; the gentleman from New Jersey [Mr. BUCHANAN], whose massive frame typifies his sturdy and vigorous intellect, was also a member of that committee. That committee spent much time which would have been valuable to this House, their constituents, and the country in the investigation of this matter. Did they come to any conclusion? Did they throw any light on this subject? None whatever.

Mr. BURNES. Will the gentleman yield to me for a moment?

Mr. DAVIS. Yes, sir.

Mr. BURNES. Mr. Speaker, the gentleman from Massachusetts seems to be oblivious to the fact that when that committee reached the Mississippi River the governors of three States were in consultation, unable to devise a proper remedy to quiet the excitement and suppress the disturbances then existing. Commerce was paralyzed; cities of that country were without business or life; railroad trains were stopped, and men were in the throes of anger and distress, were practically under arms. He seems to forget the fact that within twenty-four hours after the arrival of this committee in the city of St. Louis peace was restored and commerce made free. [Applause.] He seems to be oblivious to the fact that the committee, with the illustrious war governor at its head, made serious and earnest recommendations in its report to the House, after detailing all the facts and circumstances, which recommendations——

Mr. DAVIS. I hope the gentlemen will not occupy the floor longer in my time. I yielded to the gentleman for a moment, not for a speech.

Mr. BURNES. I will yield to the gentleman out of my time. I say he seems to have forgotten the fact that this committee, in summing up all the evidence taken upon that occasion, added a recommendation to the House and the country——

Mr. DAVIS. I must object to the gentleman entering into a vindication of the committee in my time.

Mr. BURNES. I only desire to say, with the consent of the gentleman from Massachusetts and in response to his own statement, that the committee alluded to recommended seriously and solemnly to Congress to place every railroad employé under the control of the Government, as the employés of steamboats carrying interstate commerce on navigable rivers and the high seas are placed by existing law.

Mr. DAVIS. I will give the Clerk time to read the paragraph out of the brief time allotted to me, if the gentleman from Missouri will point out the page of this report on which any recommendation occurs.

Mr. BURNES. Mr. Speaker, it will be remembered that the gentleman from Massachusetts made an issue with regard to the report of Governor Curtin, claiming that it contained no suggestion of a remedy in such cases of disturbances as that of the Southwest strike. As an answer I now desire that a paragraph be read from that report.

The Clerk read as follows :

The power of Congress to deal with the situation presented by this strike must be found in the provisions of section 8, Article I, of the Constitution of the United States, by which Congress is empowered to provide for the general welfare of the United States, and to regulate commerce among the several States, and to establish post-offices and post-roads.

Congress has already provided by section 3964 of the Revised Statutes, "that all railroads or parts of railroads which are now or may hereafter be in operation shall be post-roads, established as such under the authority of the Constitution."

Having cited the express provision of the Constitution authorizing Congress to regulate commerce among the States, we need but refer to the statutes enacted protecting post-roads, and those regulating commerce upon the high seas, and on our navigable rivers, in defining the duties, obligations of, and penalties against those engaged therein, as proof that ample power to control and regulate, so far as interstate commerce is involved, as well the rights and duties of the employers as of the employés therein, exists, and has been and may be further exercised.

REMARKS ON BLACK BOB INDIAN LANDS.

FEBRUARY 9, 1888.

A WORD IN BEHALF OF THE INDIAN.

A bill providing for the sale of the lands located and patented to certain members of the Black Bob band of Shawnee Indians being under consideration—

Mr. BURNES said: I wish to make a suggestion or a statement to the gentleman from Kansas [Mr. PERKINS], with the view of eliciting his opinion thereon. I confess that I speak only from general information, and therefore I may be in error. If I understand the matter, there has been no question as to the right and title of the Indians to these lands for twenty-five or thirty years past.

Mr. PERKINS. Yes, there was a question at that time and was for a good many years; but for the last few years the Supreme Court of the United States has upheld the title of the Indians, so that the legal title is no longer a matter of dispute.

Mr. BURNES. My general information is that there was no reasonable question as to the title of the Indians to these lands, and there is certainly no question now.

Mr. PERKINS. No, no question now.

Mr. BURNES. As I understand it, certain gentlemen, twenty-five, twenty, or fifteen years ago, more or less, went upon these lands knowing that they were Indian lands and belonged to this tribe of Indians, and, having gone upon the lands, they made certain improvements and have used and occupied the lands all these years. Now, then, if you take the lands, which are the fee-simple property of these people, and dispose of them and allow the settlers compensation for the value of the improvements they have made, ought you not, in meting out equal justice, to require the settlers to allow the Indians something for the use of the lands all these years?

While upon this point I will state that I have personal knowledge of the fact that it is not infrequently the case, in Kansas and elsewhere, that a man will take a quarter-section or a half-section or a section of land and agree to improve it, to build upon it, to put up certain fences and to plant certain trees upon it for the use of the land for five years, leaving the improvements at the end of that time as the property of the owner of the land. I have made such leases myself. While we take care here of the parties who made these improvements, do we provide that the owners of the land shall be compensated for the use of it for the past twenty-five years?

Mr. PERKINS. I call the gentleman's attention to this provision of the bill :

Said lands shall be appraised as if in a state of nature, but the enhanced value thereof by virtue of the settlement and improvement of the surrounding country shall be considered in ascertaining their value.

The bill makes that provision, and gives the Indians this compensation for the occupation which the settlers have enjoyed during these years. In other words, the bill directs that the appraisers shall appraise the lands in view of existing conditions and existing circumstances ; they are to ascertain the actual value to-day, and the Indians are to get the benefit of that. In this way, it seems to me, they get full compensation for the use and occupation of these lands.

Mr. BURNES. My suggestion to my friend from Kansas was not as to the value that has been added to these lands by the settlement and the civilization surrounding them. My inquiry was as to what is proposed, in addition to that, to be done to compensate the Indians for the use and occupation of their lands for so many years.

Mr. PERKINS. That is the compensation and the only compensation provided for in the bill. I agree with the gentleman from Missouri [Mr. BURNES] that justice should be done, and it was the judgment of the committee and of the Interior Department that that provision would do full justice to the Indians, because it gives them the benefit of the enhanced value.

SPEECH ON THE URGENT DEFICIENCY APPROPRIATION BILL.

FEBRUARY 14, 1888.

A SUCCINCT TREATISE UPON THE TIME AND METHOD OF MAKING APPROPRIATIONS.
PROPER ESTIMATES WILL PREVENT DEFICIENT APPROPRIATIONS.

Mr. BURNES. I ask that the first and formal reading of the bill be dispensed with.

There was no objection.

Mr. PETERS. I desire to state to the gentleman from Missouri [Mr. BURNES] that I am requested by the Committee on the Post-Office and Post-Roads to ask that that committee be allowed to present the legal features of the bill that was before the House on last Thursday. I would like very much if the gentleman would yield to that committee time enough to have those legal questions presented, so that the views of the committee upon them may be before the House. If this is agreed to it will facilitate the final disposition of this bill.

Mr. BURNES. I ask unanimous consent to limit general debate upon the pending bill to two hours, so as to allow one hour to the gentleman from Kansas [Mr. PETERS] and half an hour to the gentleman from Iowa [Mr. WEAVER].

Mr. ROGERS. Do I understand that the two hours to which general debate is to be limited will be devoted to the discussion of the post-office bill?

Mr. BURNES. I understand the gentleman from Kansas [Mr. PETERS] will discuss the Pacific telegraph bill.

Mr. ROGERS. On this deficiency bill?

Mr. BURNES. Not exactly on this bill, but while this bill is under consideration.

Mr. ROGERS. I do not want to consent to that mode of procedure. This is an urgent deficiency bill, and should be considered in the light of a deficiency bill, and not in the light of a railroad or telegraph bill.

The CHAIRMAN. The Chair understands the gentleman from Arkansas to object.

Mr. PETERS. I will say to the gentleman from Arkansas that we are now in Committee of the Whole House on the state of the Union, and the gentleman who gets the floor has the right to discuss any matter, whether the pending bill or any other.

Mr. ROGERS. I want thirty or forty minutes myself.

Mr. BURNES. You shall have that time.

Mr. ROGERS. How can I have that time if the general debate is to be limited to two hours.

Mr. BURNES. You can have thirty minutes.

Mr. ROGERS. Mr. Chairman, with the understanding that I will have thirty

minutes of the time on this side, I withdraw any objection I may have made to the proposition.

Mr. PETERS. If the gentleman from Missouri [Mr. BURNES] will allow me to be recognized I will proceed.

The CHAIRMAN. The Chair does not understand that any agreement has been reached as to the limitation of debate.

Mr. BURNES. I understood the agreement was made.

The CHAIRMAN. There was some conversation between gentlemen on the floor, but it was not followed by any request on the part of the gentleman from Missouri, and there was no submission of the question to the committee.

Mr. BURNES. I will withdraw the request and let matters take their course.

The CHAIRMAN. The gentleman from Missouri [Mr. BURNES] is entitled to the floor.

Mr. BURNES. This bill carries appropriations for \$4,083,342.57. If amendments which the committee has authorized to be offered are agreed to by this Committee of the Whole House the amount will be increased a little over \$1,000,000. No general debate, I presume, is desired by any one. The bill has been printed and in the hands of members for the last ten days, so that all are presumed to be acquainted with its various provisions.

The most important items of appropriation by this bill are those relating to—

1. Repairs of light-stations.
2. Expenses of collecting customs revenue.
3. Completion of water supply for District of Columbia.
4. Military establishment.
5. Signal Service.
6. Increase of the Navy and completion of the steel cruisers Chicago and Boston.
7. Clerical assistance to surveyors-general.
8. The public-land service.
9. Post-Office Department.
10. Department of Justice.
11. Fees of jurors and witnesses in United States courts.
12. Pay of bailiffs, etc., in United States courts.
13. Fees and expenses of marshals in United States courts.
14. Fees of commissioners.
15. Miscellaneous expenses of United States courts.
16. Judgments of Court of Claims.
17. Claims certified by the Sixth Auditor under the act of March 3, 1883.
18. Claims certified by Second Auditor and Second Comptroller.
19. Refunding to States expenses of raising volunteers.
20. Claims certified by Third Auditor (lost horses, etc.).

These are the principal items of this bill, sir. I apprehend that no general debate is necessary on the merits of the bill itself. None has been deemed necessary by the members of the Appropriations Committee, and unless circumstances require

it we shall, as soon as possible, move to proceed to the consideration of the bill by sections. I reserve the balance of my time.

Mr. PETERS addressed the Committee, followed by Mr. ROGERS.

Mr. BURNES. I shall not attempt to close this debate to-night, and will move that the committee now rise.

The motion was agreed to, and the committee accordingly rose.

DEBATE CONTINUED, FEBRUARY 15, 1888.

Mr. BURNES. I move that the House resolve itself into the Committee of the Whole on the state of the Union to resume the consideration of a bill (H. R. 6437) to provide for certain of the most urgent deficiencies in the appropriation, &c., for the fiscal year ending June 30, 1888, and for other purposes.

Mr. DINGLEY. A bill reported from the Committee on Banking and Currency was assigned for consideration for this day. If the gentleman from Missouri will permit me, I will call it up and move that it be postponed.

Mr. BURNES. It is necessary this appropriation bill should pass at once, and I must insist upon my motion. I move that all general debate in committee be limited to thirty minutes.

The motion was agreed to, and the House accordingly resolved itself into the Committee of the Whole.

The CHAIRMAN. By order of the House all general debate on the pending deficiency bill is limited to thirty minutes.

Mr. BURNES. I will yield as much of the thirty minutes to my colleague on the committee from the State of Texas [Mr. SAYERS] as he may see fit to occupy.

Mr. SAYERS addressed the committee.

Mr. BURNES. Mr. Chairman, I deem it my duty to call attention somewhat to the method and manner of making appropriations for the support of the Government. The Committee on Appropriations is periodically subjected to lectures and patronizing attacks, which I think could be most appropriately omitted; but they seem to be always in order, and it appears that when a gentleman cannot possibly object to any provisions in a proposed bill, cannot object to a single item of appropriations therein suggested, as has been the case with the bill under consideration, he will, finding nothing better to talk about, undertake to discuss even the simple language of recommendation contained in the report which the Committee on Appropriations has seen proper to make. The opposition to the report on this bill stands at this moment upon objections to certain propositions. The first is that the ever-recurring deficiencies both in annual estimates and consequently annual appropriations for the "expenses of United States courts" are entitled to the grave and thoughtful consideration of Congress. I will show that deficient estimates for these expenses have annually occurred. But first as to the general subject of appropriations. It is to be borne in mind that the Committee on Appropriations is divested, under the rules of the House, of changing existing law, of reporting appropriations that make such changes, or generally of reporting legislation in an appropriation bill, however necessary and proper it may be.

Therefore, being without any power, as before stated, and required to report appropriations simply, they can only further benefit Congress and the country by calling attention in their report to abuses they are powerless to correct and evils which other committees may never otherwise have called to their attention.

The gentleman from Arkansas [Mr. ROGERS] attacks us with regard to our methods of appropriation and for the necessity of certain deficiencies therein. We answer, "The trouble comes from deficient estimates," and this fact I shall soon proceed to abundantly show.

But first as to time and manner of appropriations. They are made annually, to commence with the beginning of the fiscal year succeeding that in which they are made.

When those appropriations are being made for the year to come there should be before the Committee on Appropriations accurate and reliable estimates for them by the various Executive Departments. An inaccurate, an unreliable, or a deficient estimate is absolutely abhorrent to good government. A deficient appropriation may be in the line of true economy, and certainly tends to lessen expenditures, and in no event can do any harm.

Estimates should be made in the light of the expenditures of the preceding year, which are, or ought to be, within the knowledge of the person making them. They should be made in the light of experience and observation, which should be sufficient to teach their makers the amounts that will be necessary under each head for expenses of the coming year.

With accurate and reliable estimates before them the Committee on Appropriations can consider with practical discrimination and judgment whether or not it is well to encourage economy by limiting the appropriations in the first instance to any less amount than that which is estimated. The committee can safely do this, for a deficiency in appropriation can be provided for after the lapse of half the year and when both the Department and committee have the ascertained fact of expenditure for six months and can more closely judge by comparison the requirements for the half year.

The SPEAKER *pro tempore*. The thirty minutes allowed for general debate have expired. The Clerk will now report the bill by sections.

Mr. BURNES. I ask five minutes more.

Mr. LONG. Mr. Chairman, I ask unanimous consent that the gentleman from Missouri be allowed five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts [Mr. LONG]?

Mr. ROGERS. Yes; unless we can have an opportunity to reply.

Mr. BURNES. I simply desire to say, Mr. Chairman, that out of my hour I gave the gentleman from Arkansas twenty minutes yesterday.

Mr. ROGERS. Mr. Chairman, I withdraw the objection.

Mr. BURNES. I now call for the reading of the bill by sections.

The Clerk read the first paragraph.

Mr. CANNON. Mr. Chairman, I move to strike out the last word, and I yield my time to the gentleman from Missouri.

Mr. BURNES. Mr. Chairman, I was proceeding a few moments ago to call the attention of the House to the method of appropriating upon the annual estimates. This House meets upon the first Monday in December, and proceeds to make appropriations after we have had the experience, not only of the expenditures of preceding years and of the judgment of the estimating officers, but also the experience of six months of the year for which the appropriation was made. Now, you will observe that, the fiscal year beginning on the 1st of July and Congress meeting on the first Monday in December, if there should have been made a deficient appropriation there is half the year left in which to remedy it by making an additional appropriation. Hence I say that deficient estimates are always to be abhorred, while deficient appropriations, which may be subsequently remedied, if experience shows a remedy to be necessary, are to be encouraged and are in the line of true economy, tending to diminish the expenditures of the Government.

But, Mr. Chairman, I wish especially to call the attention of this Committee of the Whole to the issue which has been made. It is a little singular that, standing here with my colleague from Texas [Mr. SAYERS], representing the Committee on Appropriations, we are to meet criticism and objections in the house of our friends with regard to items of estimate and appropriation concerning which the Committee on Appropriations is absolutely and unconditionally without fault. Sir, you will find that under the head of judicial expenses for the current year the Department estimated \$3,155,000. You will further find that the appropriations made or to be made in this bill will give that Department \$3,374,400, making an excess of expenditure over the estimates, not over previous appropriations alone, of \$219,400.

Let us consider the estimates and appropriations with regard to pay of jurors. In 1885 the estimate for this item was \$500,000. It will be observed that these estimates were made under a Republican administration; and, for one, I can say that, from the time I began service on this committee, under a Republican administration, I have never stopped to consider whether the Departments were governed by Democrats or Republicans. In 1885 the estimate for expenses of jurors was \$500,000. The appropriations were \$450,000—\$50,000 less than the amount estimated. This, we may say, was for the first half year of the Democratic administration and the last half of the Republican administration, and perhaps both parties were endeavoring to curtail expenses. In 1886 the estimates for pay of jurors were \$500,000, the expenses \$540,000, making in that year the excess of expenditures over estimates \$40,000. In 1887 the estimates were \$450,000; the appropriations and expenditures were \$500,000, an excess of \$50,000 over the estimates. In 1888 the estimates were \$500,000, the appropriations and expenditures \$650,000, an excess of \$150,000 in the expenditures over the estimates.

[Here the hammer fell.]

Mr. BURNES. Now, Mr. Chairman, I take the floor in my own right. While upon this subject let me call attention to a further fact. The gentleman from Arkansas yesterday gave as a reason why these expenses should increase that population and business are increasing, and that, naturally enough, expenditures should increase. I find, sir, that in the estimates for 1889, the year to come, commencing next July, this same Department which found a deficiency of \$40,000 in 1886 and

of \$50,000 in 1887 comes to us with an estimate of \$50,000 less than the estimate for 1888. Does this indicate that that Department is aware of the growth of the country and the increase of business?

But let us come to the pay of witnesses. In 1885 the estimates for this item were \$610,000. The appropriations and expenditures were \$621,408.74, the excess of expenditures over estimates being only \$11,408.74, which was very close work for the year 1885, and very creditable work both on the part of the Department and of Congress, so far as estimates on appropriations were concerned. But in 1886 the estimate for pay of witnesses was \$610,000 and the expenditures were \$778,150, making an excess of expenditures over estimates, mark you, of \$177,150 for a single year.

In 1887, in the light of this deficiency of \$177,150, the estimates were \$550,000—\$60,000 less than the estimates for the preceding year. Evidently this Department had not then learned that there was any increase in the business of the country or of the courts, because in the light of an expenditure of \$787,150 for the year 1886 the estimates for this service were reduced, not by the Appropriations Committee, but by this Department, to \$550,000. And what was the result? The appropriations and expenditures for 1887 were \$750,000—\$200,000 in excess of the estimates of this Department. Yet the business of the country and of the courts, it is said, is annually swelling!

More than that. We come now to 1888, and we find the Department had not yet awakened to the fact that the country was growing and the business of the courts increasing, for this same estimate of \$550,000 is gravely submitted to Congress as the amount which will be required for this service. What are the facts? Congress appropriated \$550,000, as asked in the estimates, supplemented in this bill by an appropriation of \$300,000 more; so that for the current year the excess of expenditures and appropriations over estimates will be, in round numbers, \$300,000. We can thus appreciate the wonderful light emanating from the gentleman from Arkansas, but which has not pervaded the Department he has undertaken to defend while he is attacking the Committee on Appropriations.

[Here the hammer fell.]

Mr. HENDERSON, of Iowa. I move to amend by striking out the last two words, and I yield my time to the gentleman from Missouri [Mr. BURNES].

Mr. ROGERS. Mr. Chairman, if the five-minute rule is to be administered in this manner we had better proceed in the ordinary way, so that there may be fair time for response.

Mr. HENDERSON, of Iowa. If I am recognized I yield my time to the gentleman from Missouri.

The CHAIRMAN. The Chair thinks that the arrangement now proposed would not be in accordance with the practice of the House.

Mr. LONG. Mr. Chairman, I ask unanimous consent that the gentleman from Missouri, being in charge of this bill from the Committee on Appropriations, may have ten minutes.

Mr. ROGERS. I think the gentleman from Massachusetts [Mr. LONG] ought to broaden his motion—

Mr. LONG. I have no objection to allowing the gentleman from Arkansas an opportunity to reply. Shall we renew the general debate?

Mr. BURNES. Not at all. Mr. Chairman—

Mr. ROGERS. I make a point of order before the gentleman goes on. I want this matter settled at this stage of the proceeding.

The CHAIRMAN. The Chair holds that the gentleman from Missouri cannot proceed further at present. The gentleman from Arkansas [Mr. ROGERS] is recognized.

Mr. ROGERS. The chairman of the Committee on Appropriations, having in charge this bill, can hardly afford to be unfair. He ought not, in justice to the truth of the law, as well as to the facts, to undertake now directly what, by virtue of this report, he did indirectly—attack the Department of Justice. I demonstrated yesterday, if I am able to demonstrate anything, that the Department of Justice does not disburse these moneys.

I wish to call attention to the single fact in this report of the gentleman from Missouri in regard to the court expenses. In 1887 the estimates were \$550,000; the appropriation was \$500,000.

Mr. BURNES. Allow me a minute. I say that it is no part of my purpose, desire, or intention, either in this report or on this floor, to criticise the administration of the Department of Justice. I call attention to the facts, but not for the purpose of criticism.

Mr. ROGERS continued to address the committee.

Mr. BURNES. Mr. Chairman, I shall not detain the committee much longer, but I feel it incumbent upon me somewhat to defend this report.

The ever-recurring deficiencies both in annual estimates and appropriations for the "expenses of United States courts" are entitled to the grave and thoughtful consideration of Congress.

What is it that the committee recommend as entitled to the thoughtful and grave consideration of Congress?

Is it any error upon the part of the Department? Is it any attack upon the administration? No, sir; it is simply calling the attention of this House and this committee to the expenses of the United States courts, of one of which at least the gentleman from Arkansas is a representative. It is to the expenses of the United States courts that we call the attention of the House, and we show that these expenses are gradually increasing year by year, until after a while the estimates will be the smallest part of the account in the transaction—that is to say, the deficiencies in estimates will be greater than the estimates themselves.

I think I have shown you that already with regard to the witnesses, although Congress gave every dollar asked for under this head for the year 1887, there was a deficiency of \$200,000, and in the current year, although we gave every dollar asked for, there is a deficiency of \$300,000. So you see the deficiencies are growing upon the estimates to such an extent that it has even now reached the proportion of three to five; and it seems to me, in the light of this state of things, that it will be but a question of time, and a short time at that, when the estimates will become a by-word and be entirely disregarded, both in this House and elsewhere.

I quarrel with no one. I am quarreling only with the estimates, and I state but the facts. If the facts which I allege are criticisms upon any individual, whether upon this side of the House or that side, or whether upon my own party or the party upon the other side of the House, so much the worse for either party which is responsible for it. The facts must be stated, and especially so under the great provocation which the Committee on Appropriations have had with regard to this report in connection with this bill.

But, sir, it is said that the Department of Justice has nothing to do with the allotment of the money to the marshals. Granted. That is a matter of no consideration. The Department of the Treasury or the subordinates of the Department of the Treasury send all estimates to this Congress, and it is against these estimates that I am complaining. It is against them, and not against the gentlemen who have not, perhaps, the time to look into the details of the business of the public. Be that as it may, this system is inherently bad, bad beyond all question.

We appropriated \$500,000 to pay witnesses in the United States courts for a year. Somebody will administer upon that sum and divide it out into, say, sixty-five parts, not equal parts, as we have seen, but whoever has been fleetest of foot, whoever has been smartest in gaining access to, or who has come closest to, the throne has been able to get a very large proportion, sometimes, of this aggregate sum; so that while in some cases, as stated in this letter, where one marshal has more money than he needs, the marshal of my friend from Florida, as he has stated to the committee, has far less than he needs for the transaction of the public business. For this fault who is to blame? It is the fault of Congress, the fault of the law, the fault of legislation.

Mr. ROGERS. Mr. Chairman, the gentleman from Missouri falls from his high estate when he drops down into a personal attack upon me by charging that I represent any court. I submit, sir, that that is beneath the dignity of his high position and wholly unworthy of a gentleman who has won a place upon the Appropriations Committee of the House of Representatives.

Mr. BURNES. I ask the gentleman from Arkansas to allow me a moment.

Mr. ROGERS. Certainly.

Mr. BURNES. It has never been my purpose since I have stood upon this floor to criticise any gentleman offensively or harshly. In alluding to the gentleman as representing this court, in the use of language, I meant that there was a court in the district that the gentleman was so ably representing here. I did not propose to state that he was a part of the court, that he personally represented the court, or had anything to do with the details of the business of the court, but only that it was within his district.

Mr. ROGERS. While the gentleman from Missouri is explaining he ought also to explain, in view of his recent disclaimer of his attack upon the Department of Justice, what he means when he says those marshals who are "swiftest of foot" and "nearest the throne" manage to get the larger proportion of the appropriation.

Mr. BURNES. I answer emphatically, if my friend from Arkansas will allow me, that that is the rule, not only of this administration, but of all other administrations. It is the rule of human nature: "First come, first served."

Mr. ROGERS. It was not the question of "first come, first served," but it was the question of those "nearest the throne." What is meant by the gentleman from Missouri by that expression? Is it not meant that those officers of the court who reside in the State from which the distinguished Attorney-General comes are the largest beneficiaries in this matter, and that it is because they do reside in that State? I submit that is beneath the dignity of honorable discussion on the floor. * * *

That is what I undertake to defend. I do not stand up for one court. I stand for the integrity of the whole system from ocean to ocean and from the lakes to the sea. I stand against this system of doling out in insufficient sums money to run the courts—a system which results in the stoppage of the courts, in the increase of the expense, and in the harshest, most tyrannical, and most unconstitutional oppression of the poor unfortunates who are incarcerated in the prisons throughout the land. If I am to be stigmatized for that I am ready to accept the stigma at the hands of the gentleman from Missouri or any one else.

I am for the supremacy of the law in the administration of this Government on high and correct principles, and for such appropriations as will enable it to be administered on such principles; and I stand for one other thing—that is, that the Fiftieth Congress of the United States shall lift itself out of the rut of vicious precedents and march forward abreast of the times.

[Here the hammer fell.]

Mr. SAYERS obtained the floor and yielded his time to Mr. BURNES.

Mr. BURNES. I shall not stand here and bandy words with the gentleman from Arkansas, who, I suppose, under the rules of the House, has a right to express himself as he pleases. That is his business. I have probably the same right; but I propose not to consider with him in this place what is an honorable or a dishonorable line of debate. This is neither the time nor the occasion for such a consideration.

Now, sir, I am not quarreling with the administration of the Department of Justice nor with the Attorney-General. My quarrel, if I may use the word, is with the estimates for judicial expenses, and for pay of jurors, witnesses, etc., in United States courts, made, I suppose, in the Department of Justice, which, as I have shown, have been persistently inadequate to cover the expenditures. It is no fault of Congress or of the Committee on Appropriations that courts have suspended, that witnesses and jurors have not been paid, but solely the natural result of deficient estimates, over which the Department of Justice has control; for the time has fully come when this much-misrepresented committee is compelled to give notice that every dollar that has been estimated for has been appropriated, and vastly more each year, as I have shown, and I submit as part of my remarks the report of the committee which has been the innocent object of assault, as follows:*

If there has been any failure of justice, any stoppage of courts—if there has been any delay or default in the public business of the courts of the country, it has arisen either from the failure of the deficiency bill last year, for which this House

* The report being quite voluminous it is not here inserted.

was in no sense responsible, or it has come from a failure to make adequate and sufficient estimates of appropriation. This is an answer and these are facts which no sophistry can obscure and no criticism of the Committee on Appropriations can refute.

The Committee on Appropriations have called the attention of the House to only some—a few—of the deficiencies in the estimates of appropriations by the Department of Justice. An additional request has come through the House to the committee within the last two days for an estimated deficiency in the previous estimates for the support of prisoners in the various penitentiaries and in the jails, for \$90,000, and it is a curious fact that among these prisoners there appears in the report of the Attorney-General a statement that five hundred and one of them are prisoners in the jail at Fort Smith, Ark., now, or if not now, they were there only a short time ago. The cost of supporting these prisoners of the United States has risen from 9 cents a day each, as in my own State, for convicts in the penitentiary, to 47 cents a day.

This Government pays for prisoners confined this 47 cents for a day's boarding for each, when one-half that sum would be ample compensation for everything he gets.

It is due the Department of Justice to add that this increased cost of prisoners has resulted from recent legislation prohibiting them from working under certain conditions, whereby their labor has been lost to the States in whose prisons they are confined.

But that does not apply to the prisoners before conviction, nor to those poor, ignorant men who, for every imaginable petty misdemeanor, are seized and thrown into the jails of the country from one end of the land to another. Read the reports and you will find that thousands of these people are lying in jail unable to give bond, the unfortunate victims of a tyrannical and overbearing system of arrest by deputy marshals and commitment by United States commissioners, dependent upon the system for their fees. These men are supplemented by the jailer, who takes his extravagant fees for his common prison fare, and all of them and all parties connected in any way with the horrible business, except the United States Government and the poor, helpless victims of its laws or officers, are cheerful and happy in their gains.

Some poor farmer, after his year's work is done, sells a quarter of a dollar's worth of the agricultural product of his own labor to some one not authorized by law to buy it—a licensed tobacco purchaser, for instance—and for this petty offense a marshal, or usually a deputy, seizes him as a criminal, carries him often a great distance from his home; a commissioner gravely examines into the matter by the aid of witnesses carrying on the industry of earning mileage and per diem for their discoveries, and of course the result is never doubtful. The prisoner is incarcerated, and we are boarding him at the rate of 47 cents a day or more. Five hundred persons in the jail at Fort Smith means an expenditure of about \$250 a day. The Government foots the bill, and some people who keep that jail and feed those prisoners are none the poorer.

Mr. ROGERS. I know that the gentleman does not wish to state anything that

is not true in fact. Will he tell us where he got his information that five hundred and one prisoners were in jail at Fort Smith at one time? There is not room for them to stand in the jail.

Mr. BURNES. That is the number during the year.

Mr. ROGERS. Oh, I suppose there are about five hundred trials during the year; but you said that there were that number there at one time, and yet you are attacking the court because it does not dispose of more business on less money!

Mr. BURNES. No. I am not attacking the court. I know the judge at Fort Smith. He was one of my respected Republican predecessors in this Hall. I know the judge well and believe him to be honest, and I indorse him as a man and as a judge. I am not complaining of the judge or of any person; I am complaining of this unfortunate system called our judicial system, which is to-day perpetrating more wrongs upon the people than any other system existing in this land.

[Here the hammer fell.]

Mr. RANDALL obtained the floor and addressed the committee.

Mr. BURNES. Mr. Chairman, I call attention to the report of the Attorney-General for the year 1887. By this report I find that of those in jail at Fort Smith, Ark., during the year, 122 are put down as in jail serving sentences and 501 as awaiting examination or trial. Now, you can construe that as you please. I give this statement from the report of the Attorney-General himself for 1887.

Mr. ROGERS. That is, during the year?

Mr. BURNES. I do not know whether it is or not. That is the number of persons set down as in jail awaiting examination or trial—

Mr. ROGERS. If you do not know how the fact is you ought not to make the statement.

Mr. BURNES. I make the statement on the faith of what I see before me in this report—"of those in jail during the year serving sentence or awaiting examination or trial." It appears there are 122 serving sentence and 501 "hanging by the gills." [Laughter.]

A single remark in reply to my distinguished colleague on the committee, the gentleman from Pennsylvania [Mr. RANDALL]. I trust that no one will misunderstand my position because of the playful turn which that gentleman has given to my remarks.

Mr. RANDALL. I do not propose to commit you in advance.

Mr. BURNES. Mr. Chairman, I shall never cease to denounce the evils, the outrages, and the horrors that are perpetrated in the name of law by public officers under the internal-revenue system of this Government. At the same time I wish to say to the gentleman from Pennsylvania and to the country that we will first equalize the burdens of taxation and reduce the duties upon some of the necessities of life before we undertake to diminish to any great extent the revenue from internal taxation. [Applause.]

Mr. HERBERT addressed the committee.

By unanimous consent the *pro forma* amendment was withdrawn.

PUBLIC BUILDINGS.

Mr. BURNES. There are some twenty-eight estimates for public buildings which have come to the committee, and which are in excess of the limit fixed in the law for the completion of public buildings. It is obvious, therefore, that a point of order would lie against each and every one of them. Submitting to the rule of the House, I have been instructed by the committee to ask unanimous consent to allow these amendments to be presented, and also to allow a similar amendment to be presented by the gentleman from Tennessee [Mr. WASHINGTON]. If unanimous consent be granted, these amendments can be considered. Without such consent, under the rule, no consideration can be had, as they are obnoxious to the point of order.

A MEMBER. Why were they not incorporated in the bill?

Mr. BURNES. Simply because they were obnoxious to the point of order—that is, inasmuch as they are in excess of the amount limited by the law for the construction of these public buildings. I desire to say the reason given by the Supervising Architect, in whom we have confidence, is that these expenditures, ranging from \$1,000 to \$50,000 or \$60,000, will immediately finish these buildings and save large amounts in rent which the Government is now paying.

Senator Hitchcock appeared before us and stated the Government would save by completing the building in his town \$12,000 now paid for rent. We are told the same thing is true in reference to these other public buildings. There is no question, therefore, but it is in the line of economy to appropriate this money. It would be appropriated without question if it were before the Committee on Public Buildings and Grounds. For these reasons the Committee on Appropriations have recommended that these appropriations be made, and in order that the matter may be brought before the committee for consideration, including the amendment of the gentleman from Tennessee [Mr. WASHINGTON], I will now ask, by unanimous consent, the point of order against them may be waived.

The CHAIRMAN. The Chair hears no objection, and the point of order is waived, and the gentleman will send his amendment up.

Mr. BURNES. I submit the following amendment.

The Clerk read the same.

Mr. BURNES. Mr. Chairman, by an oversight of the committee, an omission has been made which will be supplied by the amendment I send to the desk.

The Clerk read the amendment.

Mr. BURNES. Mr. Chairman, I ask unanimous consent to pass upon these propositions together in order to save time.

The CHAIRMAN. As the Chair understands, the committee has not agreed to consider the last proposition, and the gentleman in charge of the bill now asks unanimous consent that they all be considered together.

Mr. BURNES. Yes; I ask unanimous consent that all these amendments be taken as one paragraph and considered in gross.

There was no objection.

Mr. VOORHEES. Mr. Chairman, I desire to offer an amendment to this amendment.

The Clerk read the amendment, the same being for the construction of a public building at Port Townsend, Washington Territory.

Mr. BURNES. I make the point of order against that amendment that there is neither an estimate of the Department for it nor of the Supervising Architect.

Mr. VOORHEES. I trust that the gentleman will withhold his point of order long enough to permit me to make a brief statement.

Mr. BURNES. Having made the point, I will withhold it for the gentleman's statement.

Mr. VOORHEES addressed the committee upon the amendment.

Mr. BOUTELLE. I wish to ask the chairman of the subcommittee how much these increased appropriations for public buildings embraced in this amendment will aggregate.

Mr. BURNES. About \$800,000.

Mr. BOUTELLE. What information has the committee received upon which to base its judgment that these appropriations are necessary?

Mr. BURNES. We have received specific reports from the Supervising Architect, setting forth in detail the condition of the work in each case and the amount of work to be done in order to complete the building.

Mr. BOUTELLE. Has the committee or the House any guaranty or any evidence that the amounts now proposed to be appropriated will secure the completion of these buildings?

Mr. BURNES. The committee cannot guarantee, nor has anybody undertaken to guarantee to the committee, that such will be the result; but the Supervising Architect, in whose judgment and painstaking care we have great confidence, assures us that these appropriations will complete the buildings.

Mr. BOUTELLE. And this officer in whose "painstaking care" and judgment you have this confidence is the same officer who, in some instances, made the plans?

Mr. BURNES. This officer has been in office only about a year.

Mr. BOUTELLE. Then you have more confidence in the present officer than in the former one?

Mr. BURNES. I can say I have perfect confidence myself that these appropriations will complete these buildings. That confidence is based upon my knowledge of the character of the Supervising Architect, whose assurances to me in that respect are ample.

Mr. McMILLIN. Having been called to the Senate during the earlier part of this discussion, I desire to know whether any of the appropriations now proposed to be made will carry the gross amount of the appropriations for these buildings beyond the limits originally fixed.

Mr. BURNES. They are all increases.

Mr. VOORHEES. I rise to a parliamentary inquiry. I desire to know the status of my amendment to the amendment.

The CHAIRMAN. The gentleman from Missouri reserved the question of order, which he will now state.

Mr. BURNES. My point of order is that this is not only an appropriation in

excess of the limit fixed by law, but it comes here without any recommendation on the part of the Supervising Architect of the Treasury Department that it is necessary. I see no reason for it, and I insist upon my point of order.

The CHAIRMAN. The Chair cannot see how any suggestion from the Supervising Architect would affect the point of order. The committee agreed to consider these several propositions although not authorized by law; and having agreed to consider them, it is in order to consider amendments to them.

So the point of order was overruled. When the question, however, was taken on the amendment of Mr. VOORHEES, the amendment was rejected.

The question then recurred upon the amendments offered by Mr. BURNES and the amendments were agreed to.

The Clerk read as follows :

For continuing the construction of a light-house on Northwest Seal Rock, off Point St. George, California, \$150,000.

Mr. CLARDY. Is not the amount proposed to be appropriated for this light-house in excess of the estimates?

Mr. BURNES. The gentleman is speaking of the Northwest Seal Rock light-house?

Mr. CLARDY. Yes.

Mr. BURNES. One hundred and fifty thousand dollars was the original estimate.

Mr. CLARDY. I will ask my colleague if the amount estimated was not \$333,000, and if there has not been already appropriated \$290,000; so that this \$150,000 additional would make the total appropriation exceed the amount of the estimate?

Mr. BURNES. The facts are these: When this light-house, on the northwest coast of California, was established it was established on an estimate that the entire cost would be \$333,000. Of that amount \$290,000 has been appropriated, and nearly all of it expended. It is now estimated that the total cost will be \$721,000, whereas the original estimate was \$333,000.

Mr. CLARDY. When was this increased estimate for \$721,000 made, and by whom?

Mr. BURNES. By the Department; the estimate comes from the Light-House Board.

Mr. CLARDY. Has any committee, except the Committee on Appropriations, ever acted upon this increased estimate?

Mr. BURNES. I really cannot speak as to the practice; but the provision establishing this light, together with the first appropriation, was made in 1882.

Mr. CLARDY. By the Committee on Appropriations?

Mr. BURNES. I think perhaps by the Committee on Appropriations. Whether the Committee on Commerce reported the legislation establishing this light I do not know.

Mr. CLARDY. I ascertain the fact to be that the provision came from the Committee on Appropriations in 1882.

Mr. BURNES. In justice to my distinguished colleague [Mr. CLARDY], the chairman of the Committee on Commerce, I will say I am satisfied that the first estimate for this matter went to the Committee on Appropriations. That estimate was relied upon, and the work was undertaken with the idea that it would cost only \$333,000. Subsequent events have shown the original estimates to have been unreliable, and the total expenditure, as now estimated, will be \$721,000.

Mr. CLARDY. Does not my colleague think that this provision would be obnoxious to a point of order?

Mr. BURNES. Oh, no, sir.

Mr. CLARDY. I mean the increased appropriation.

Mr. BURNES. There was no limit originally. There was simply an estimate for \$333,000. The work was authorized without any limitation as to cost.

Mr. CLARDY. I thought \$333,000 was the amount specified originally as the limit of cost.

Mr. BURNES. No, sir; that was simply an estimate.

Mr. BRECKINRIDGE, of Kentucky. As I understand, \$290,000 has already been spent upon this work.

Mr. BURNES. Yes, sir.

Mr. BRECKINRIDGE, of Kentucky. And the aggregate expense is estimated at \$720,000, making the amount yet to be expended \$430,000?

Mr. BURNES. About that.

Mr. BRECKINRIDGE, of Kentucky. The expense yet to be incurred, as I understand, will aggregate \$430,000, if the last estimate holds good. Now, would it not be wiser to abandon the work and let the \$290,000 go than to spend \$430,000 additional upon it?

Mr. BURNES. For an answer on that point I will refer the gentleman from Kentucky to the gentleman from California [Mr. MORROW].

Mr. MORROW thereupon addressed the committee.

The paragraph remained as stated in the bill.

The Clerk read the next section.

Mr. BURNES. I move the following amendment:

The Clerk read the amendment, the same being—

For needed repairs and improvements on the old Museum building and annex, on Tenth street, Surgeon General's Office.

Mr. McKINNEY. I move to insert after the words "per annum," in the twelfth line, page 8, "and five laborers, at the rate of \$660 per annum." * * *

Mr. BURNES. Mr. Chairman, I differ with my good friend from New Hampshire with very great regret, and will content myself now with simply calling the attention of the committee to the present force in charge of the building, which force, we think, is amply sufficient to take care of the corridors and sidewalks. Now, when I read this list you will bear in mind that this force of men and women have nothing to do with the rooms. They do not enter them at all. There is another force, an inside force, having charge of that work. The persons referred to here are for outside work alone—for the pavement and in the corridors. There

are employed there now: One clerk, \$1,200; six elevator-tenders, at \$720 each; one chief engineer, \$1,200; six assistant engineers, at \$1,000 each; twelve firemen, at \$720 each; one captain of the watch, \$1,200; two lieutenants of the watch, at \$840 each; forty-eight watchmen, at \$720 each; one carpenter, \$1,000; one machinist, \$900; two skilled laborers, at \$720 each; seventeen laborers, at \$660 each; and fifty-four charwomen, at \$240 each; making a force of one hundred and fifty-eight persons in the employ of this service.

If that force is not sufficient to take care of the corridors and pavements of that building and keep them clean then I admit the Appropriation Committee is at fault.

The amendment was not agreed to.

After adopting several minor amendments the committee, on motion of Mr. BURNES, rose.

DEBATE CONTINUED, FEBRUARY 16, 1888.

The House having resolved itself into the Committee of the Whole for the consideration of the urgent deficiency bill—

The Clerk continuing, read as follows:

Office of Surveyor-General of Dakota: For salaries of clerks in his office, \$3,000.

Mr. HERMANN. I desire to ask the gentleman from Missouri [Mr. BURNES], having charge of this bill, why it is there is no appropriation made for the surveyor-general of the State of Oregon. Why is not that office mentioned in connection with these deficiencies for clerical service?

Mr. CANNON. It was estimated for like all the others, but I do not know for what reason it was omitted.

Mr. BURNES. It was with the greatest reluctance that the Committee on Appropriations consented to incorporate in the bill any of these deficiencies. The committee were inclined to follow the suggestion of the gentleman from Illinois, the result of his experience in reference to these matters, and strike them all out. Why Oregon should be omitted I am at a loss to determine. If the others remain in the bill I think Oregon should also be included, and will help the gentleman to have the bill so amended.

Mr. HERMANN. I thank the gentleman from Missouri. Let me inquire whether Oregon was not also included in the recommendations of the Department.

Mr. BURNES. Yes; I think it was included in the recommendations of the Department.

Mr. HERMANN. For how much?

Mr. BURNES. One thousand dollars.

Mr. HERMANN. Then I move an amendment for that amount.

Mr. BURNES. The estimates of the Department were scaled in each case, and the amendment of the gentleman should provide as in the other cases, and \$800 would be the proper amount.

The CHAIRMAN. Does the gentleman from Oregon move any amendment to the bill?

Mr. HERMANN. Mr. Chairman, with the consent of the chairman of the subcommittee, I move a further amendment to this paragraph.

The Clerk read as follows:

For salaries of clerks in office of surveyor-general of Oregon, \$1,000.

Mr. BURNES. Say eight hundred, and we will accept it.

Mr. SAYERS. Make it \$500.

Mr. HERMANN spoke upon the amendment.

Mr. CANNON. Mr. Chairman, I was endeavoring to get the attention of the Chair before the question was submitted to the committee. I wanted a minute in connection with this subject, and will move as an amendment to the amendment of the gentleman from Oregon to strike from the bill all of the appropriations for offices of surveyors-general on pages 12 and 13 of the bill; and I want to say upon that amendment that the gentleman from Oregon is right, and that if any of these appropriations are to go into the bill Oregon ought to have a share.

Mr. BURNES. She has got it.

Mr. CANNON. I want to say, further, that I congratulate my friend, as well as the surveyor-general of Oregon, that they are such good friends, and want to add that, in my opinion, in the present condition of the public service, \$800, in addition to the appropriation for Oregon, and these other appropriations in addition all along the line here, will not survey one acre of public land or make contracts for one extra acre.

I call attention again to the fact that for this year there is but \$50,000 for public surveys, and that is not all being spent.

Mr. BURNES. I want to call the attention of my friend from Illinois to the fact that all of these items are for mere clerical assistance. It is not proposed to survey an acre of land with any of these appropriations, but to give the surveyors-general clerical assistance to enable them to dispose of the rapidly accumulating business in their offices.

The CHAIRMAN. The Chair understands the amendment of the gentleman from Illinois [Mr. CANNON] to cover the amendment of the gentleman from Oregon [Mr. HERMANN] as well as the paragraphs making appropriation for offices of surveyors-general, on pages 12 and 13 of the bill.

Mr. CANNON. My amendment is intended to cover all, including the amendment of the gentleman from Oregon.

The question being put on Mr. CANNON's amendment, there were—ayes 62, noes 43.

Mr. RICE. I make the point that a quorum has not voted.

Mr. RANDALL. This is an amendment, which will be reported to the House, and can be voted upon in the House.

The CHAIRMAN. Does the gentleman withdraw the point of no quorum?

Mr. RICE. I withdraw the point of no quorum.

The Clerk read as follows:

For miscellaneous expenses, Department of Justice, being a deficiency for the fiscal years 1885 and 1886, \$68.88 and \$244.04, respectively, &c.

Mr. KERR. Mr. Chairman, I move to strike out the last word of this clause, or, if in order, I will move to strike out all these appropriations for extra expenses of the Department of Justice. In this connection I wish to say that I listened with much interest to the debate of yesterday. The gentleman from Missouri [Mr. BURNES], in his closing remarks on this subject, said he would not favor just now a change of policy in this respect. The gentleman, however, represents in part the State of Missouri, and a few years ago a Democratic convention of that State passed a resolution in favor of sweeping out this entire internal-revenue system—in favor of overthrowing it altogether—giving as one reason for that position the vast expense attending the administration of the system.

Mr. BURNES. Do I understand my friend to say that in a Democratic State convention of Missouri such a resolution was passed?

Mr. KERR. I do, sir.

Mr. BURNES. I am not aware of it.

Mr. KERR. A resolution adopted in their State convention made such a declaration, and if the gentleman will examine their platforms of a few years ago he will find it.

Mr. BURNES. How many years ago?

Mr. KERR. Some few years ago; I cannot at this moment state the exact number.

Mr. BURNES. I feel confident the gentleman is mistaken.

Mr. KERR continued to address the Committee

Mr. BURNES. Mr. Chairman, on yesterday there was slight allusion made to the subject of tobacco during the course of the debate, and another allusion of the same sort has been made to-day. From the ever-constant readiness with which this House bubbles over at the mention of this commodity, I am inclined to believe that if another commodity also covered by the internal-revenue laws and from which a large tax is derived were mentioned that there would be a regular Pandora's box opened upon the floor of the House, and confusion would reign supreme. [Laughter.] At all events, the mention of the subject which has so aroused the House in connection with this amendment induces me to turn to the consideration of that other element under the internal-revenue laws, which upon this occasion need not be mentioned, and ask unanimous consent that this debate on this provision and the pending amendments be now closed by the committee.

The CHAIRMAN. To what paragraph does the gentleman's request apply?

Mr. BURNES. I ask unanimous consent that the debate be closed with reference to all the items under the head of "Department of Justice" and all amendments pending thereto.

There was no objection, and it was so ordered.

The Clerk read the next paragraph.

Mr. CANNON. As I understood the agreement limiting debate, it had reference to all items under the head "Department of Justice," on page 16 of the bill, and did not apply to the provisions, on page 17, under the heading "Judicial." I desire to offer an amendment *pro forma* to strike out the last word.

Mr. BURNES. I will not make the point of order on the gentleman from

Illinois, but will ask unanimous consent that he be permitted to make his statement.

Mr. CANNON. I did not understand that the agreement covered page 17.

Mr. BURNES. The Chair has already decided that unanimous consent has been given for closing debate on all these paragraphs relating to appropriations for the Department of Justice, including judicial expenses.

The CHAIRMAN. If there has been any misunderstanding as to this, the Chair does not desire to enforce his ruling. He asks the gentleman from Missouri to restate his request, as there seems to have been a misunderstanding as to its extent.

Mr. BURNES. I now ask unanimous consent to terminate debate in five minutes on all the paragraphs relating to the Department of Justice, judicial expenses, and miscellaneous expenses of the United States courts.

Mr. CANNON. I prefer not to be limited.

Mr. BURNES. Well, say ten minutes.

The CHAIRMAN. The Chair begs the attention of the gentleman from Missouri [Mr. BURNES]. There is some question as to the extent of the request made by that gentleman. The Chair may be in error in regard to that, and does not desire to take advantage of any gentleman by reason of his own error. He desires, therefore, to know from the gentleman from Missouri the extent of his request.

Mr. BURNES. It was my intention to cover the whole matter relating to these appropriations for the Department of Justice.

The CHAIRMAN. The Chair so understood and so submitted the request, and will enforce that agreement.

Mr. BLAND. The gentleman [Mr. BURNES] first asked that unanimous consent be given to close the debate on all matters in the bill relating to the Department of Justice and on all amendments thereto.

Mr. BURNES. I am satisfied that the Chair is right, and I am satisfied of my own intention in regard to this matter. Let us, therefore, not be harsh, and, as there was some misapprehension upon the other side, I am willing to meet the gentleman in a spirit of accommodation.

Mr. CANNON. If the Chair understands that I am not entitled to the floor on an amendment on page 17, I can say all that I desire to say on an amendment on page 18. [Laughter.]

When the next page of the bill was reached Mr. CANNON addressed the committee.

Mr. O'NEILL, of Missouri. I move an amendment to be inserted as a new paragraph between the first and second subdivisions of the bill in regard to public printing.

The Clerk read as follows :

The Public Printer is hereby directed to rigidly enforce the provisions of the eight-hour law in the department under his charge.

Mr. BURNES. Mr. Chairman, I feel constrained to say that this amendment is, in my judgment, subject to a point of order.

The CHAIRMAN. The gentleman will please state his point of order.

Mr. BURNES. I am willing to reserve my point of order if my colleague [Mr. O'NEILL] desires to be heard.

Mr. O'NEILL, of Missouri. * * * This clause may very properly be a provision granting privileges to these employes in the Printing Office. We have on our Calendar a bill granting to these employes an additional fifteen days' leave of absence, and I am in favor of that measure. But when workingmen are demanding of us an eight-hour law I demand that they themselves shall live up to it. The spirit of an eight-hour law means that men should not work longer than that time if thereby they deprive others of the opportunity to be brought within the ranks of industry. That is the spirit in which this amendment is offered. It cannot be subject to a point of order.

Mr. BURNES. Mr. Chairman, I believe I but state a fact when I say there is now a law regulating this matter. (To Mr. O'NEILL, of Missouri:) We have an eight-hour law, have we not?

Mr. O'NEILL, of Missouri. There is a general eight-hour law, which has not been enforced for years.

Mr. BURNES. Well, then, we have such a law.

Mr. O'NEILL, of Missouri. The object of this amendment is to enforce the law. You believe in enforcing laws, do you not?

Mr. BURNES. Now, Mr. Chairman, there is a law covering this subject. It seems to me this provision has no place in an appropriation bill. It is either legislation or it is nothing. We have no authority to direct any officer of the Government to enforce diligently the law. That is not our business. If an officer fail to execute the law we can perhaps deal with him in some form, but I do not see why we should undertake by a provision in an appropriation bill to direct any officer of the Government to enforce strictly the law. It seems to me this provision is clearly out of order, and ought not to be engrafted on this bill.

The CHAIRMAN. The Chair will ask the gentleman from Missouri [Mr. BURNES] to cite the statute in reference to this matter. The gentleman seems to admit with his colleague that there is an eight-hour law applying to this class of labor.

Mr. O'NEILL, of Missouri. There is an eight-hour law, or, rather, there was one. There is one which is frequently invoked just before elections, and forgotten just after them. [Laughter.] There is that sort of an eight-hour law. This is a good time to enforce that law—a very opportune time; and if the Chairman of this Committee of the Whole has that political sagacity for which I give him credit he will certainly rule on my side of this question [laughter], and give members of this House the chance to show their political sagacity in voting for it.

The CHAIRMAN. The Chair understood the gentleman from Missouri [Mr. BURNES], in charge of the bill, to raise the question of order on the ground that the amendment offered by his colleague changed existing law. The Chair now understands him to admit that it does not change existing law; and if it does not the Chair would not feel disposed to exclude it.

Mr. CANNON. I wish to ask the gentleman from Missouri his reason for merely mentioning this one office of the Public Printer?

Mr. O'NEILL, of Missouri. I wish to enforce it in every one of them.

Mr. BURNES. I have no objection to putting in anything which pleases the taste and fancy of the House, but I wish to put myself on record against incorporating into one of the general appropriation bills mere directory legislation in regard to any officer of the Government failing or not failing to execute the law. It is not any item of appropriation. It has no place in the bill. It is foreign to the nature and to the purpose of the bill. These items are appropriations to supply deficiencies. This is not any deficiency of appropriation. It seems to be a deficiency as to the execution of the law, and that is the only deficiency there is about it. I hope the House will not place itself in the attitude of appearing to be ridiculous by engrafting the amendment on this appropriation bill.

The CHAIRMAN. The point stated by the gentleman was not raised on the point of order.

Mr. BURNES. In reply to the gentleman from Indiana and to my colleague, I wish to say there has been some talk and some innuendo in regard to the failure of the Public Printer to execute the laws, but I have yet to learn from any authority, from any one I deemed to be authority, that this officer has really failed to execute the law. My colleague seems to be under the impression that the Public Printer has failed in the execution of the law, but I presume he speaks from the information derived from others. His word would be sufficient for me, but I say that it is not right to assume, in reference to a faithful and efficient officer of the Government, that he is violating the law unless there is some good, substantial authority for making such assertion.

The amendment of Mr. O'NEILL was finally agreed to.

The Clerk proceeded to read the portion of the bill headed "Judgments, Court of Claims."

Mr. BURNES. There are several pages occupied by these judgments of the Court of Claims. The reading is simply the reading of the names of the judgment creditors and the amounts. I ask unanimous consent that the Clerk may pass them.

Mr. McMILLIN. What do the judgments aggregate?

Mr. BURNES. Three hundred and forty-five thousand dollars.

Mr. McMILLIN. I suggest the propriety of having that portion of the bill read. The Clerk proceeded to read accordingly.

Mr. McADOO. I offer the amendment which I send to the desk.

The Clerk read as follows:

The claim of the Hoboken Land Improvement Company, the sum of \$15,800.

Mr. BURNES. I suppose my friend is hardly serious in the presentation of this claim.

Mr. McADOO. I am always serious. Does my friend from Missouri oppose a point of order against the amendment?

Mr. BURNES. No, sir; I shall make no such point.

Mr. McADOO addressed the committee.

Mr. BURNES. Mr. Chairman, I desire to very earnestly call the attention of

this committee to the principle that is involved in the amendment submitted by the distinguished gentleman from New Jersey [Mr. McADOO]. Here is a claim originating in the year 1861, a claim which was presented to the Government in the year 1862, which has been before the Congresses of the United States successively, off and on, from that time to the present, and has never been considered without meeting rejection.

The judgment of Congress and the judgment of the country has been uniformly against it. Not only the judgment of the committee, but the judgment of the Forty-eighth Congress, and, I believe, of the Forty-ninth Congress, and of numerous Congresses preceding, has been against this claim. This vessel was chartered at the rate of \$200 a day, an extraordinary price to begin with. Then there were seventy-nine days when, in consequence of unfavorable winds or something else, the vessel was not in the service of the Government. The Government of the United States settled with the parties and paid them at the rate of \$200 per day for every day that the vessel was in service; but the claim was made for seventy-nine days when the vessel was not in service. Now, will this Committee of the Whole House of the Fiftieth Congress reverse the judgments of preceding Congresses, reverse the judgments of twenty-seven years of administration of the Government, simply in consequence of a recent adjudication by one of the accounting officers of the Treasury Department? I need not say more than this. If it be the judgment of Congress year after year to meet and throttle this claim and then, after innumerable considerations and rejections of it, then, in the exuberance of our good will and in the abundance of public money in the Treasury, we are now to reverse all precedents and now pay it, let us meet it and do it boldly and bravely.

Let us say that Departments of this Government were unwilling from year to year for twenty-seven years to pay a just debt; let us say that every administration of the Government in all these years has been unjust and dishonest with regard to this transaction; let us say that preceding Congresses, meeting nearer to the time when the transaction took place than we meet, knew nothing with regard to the subject on which they acted, and that we now take up this twenty-seven-year-old claim thus investigated, thus adjudicated, thus settled, and gravely put it in an appropriation bill for payment when there can be no pretense that it is other than a constructive claim against the Government. When we have paid men or corporations for the time actually employed in the service of the Government; when we have paid every reasonable claim that they can possibly make; when all these tribunals have decided that the Government has done its duty to this Hoboken Land Improvement Company, I do submit in great earnestness to the Committee of the Whole that this amendment should be voted down. I hope that we shall not be compelled year after year and generation after generation to fight these claims which have not received proper sanction from those best qualified to ascertain the facts.

Mr. McADOO. Mr. Chairman, it is only just to say that this claim has never hitherto been before the House. My distinguished friend from Missouri [Mr. BURNES] says that Congress has time and again rejected this claim. Sir, the claim

finds voice on this floor now for the first time. It has been passed upon by the Treasury officials time and again, and instead of being rejected has been allowed.

Mr. BURNES. Let me say to my friend from New Jersey [Mr. McADOO] that I am sure he is mistaken. This claim, within my knowledge, was before the Forty-eighth and Forty-ninth Congresses.

Mr. REED. Before the House?

Mr. BURNES. Before the House once during those two Congresses. It came here in the Forty-ninth Congress as a Senate amendment.

Mr. McADOO. If my friend from Missouri will permit me, I will read the record, which I think will set him right.

The report was read.

Mr. BURNES. Mr. Chairman, I find in the report of the Third Auditor this statement:

The Quartermaster-General states that the records of his office show that the services of the steamer terminated on the 29th of September, 1862, and that payment for services from December 20, 1861, to February 22, 1862, and from March 21, 1862, to April 6, 1862, was refused for the reason that proper certificates covering services for those periods were not presented, as required by the charter.

Mr. BUCHANAN. But does not the Comptroller, on a review of all the facts, find that the claim is just, and should be paid? The conclusion of the accounting officers of the Treasury is that the claim should be paid.

Mr. BURNES. I have read this statement from the report of the Third Auditor for the purpose of showing that in 1862 the officers of the Treasury solemnly adjudicated that every dollar due to this corporation had been paid.

Mr. REED. Where is that statement? Will the gentleman please read it?

Mr. BURNES. I have just read it. [The statement was again read.]

Mr. REED. I call the gentleman's attention to the fact that what he has read does not agree with his statement a moment ago, that it has been solemnly adjudicated by the officers of the Treasury that the claim should not be paid.

Mr. BURNES. This is a solemn adjudication——

Mr. REED. What the gentleman has read simply shows that at the time referred to certain certificates had not been presented.

Mr. BURNES. It is stated that payment "was refused for the reason that proper certificates covering services for those periods were not presented as required by the charter."

Mr. REED. That merely shows that at the time in question those certificates had not been produced.

Mr. BURNES. I will say to the gentleman from Maine that this decision of the accounting officers of the Treasury in 1862——

Mr. REED. There is no decision.

Mr. BURNES. There must have been a decision, or the claim would have been paid.

They said there were certain things lacking.

Mr. REED. The present Secretary——

Mr. BURNES. Never mind about the present Secretary. He can take care of himself. The point I wish to call attention to is that this corporation, thus refused payment of this claim in 1862, seemingly accepted the judgment of the accounting officers of the Treasury and made no claim—according to the gentleman from New Jersey, who, I think, is mistaken—until 1884, twenty-two years after this Auditor's decision, or this refusal being made to pay the amount of the claim.

Mr. BUCHANAN. Was the decision of the accounting officers accepted?

Mr. BURNES. My opinion is and my understanding and belief are they came several times before Congress with their claim, and when defeated in Congress they subsequently, in 1884, appealed to the accounting officers of the Treasury.

Mr. REED. Is that in the record you have in your hands?

Mr. BURNES. It is not. I will say furthermore that, having passed on so many of these claims during the past year, I may be mistaken as to some of these things and confuse one case with another; but I do not believe I do.

Mr. REED. On what ground did the present Assistant Secretary of the Treasury decide that this claim ought to be paid?

Mr. BURNES. He has made no such decision in the matter.

Mr. REED. But the gentleman from New Jersey has just read it.

Mr. BURNES. I beg pardon. He read from the Third Comptroller.

Mr. REED. No; Third Auditor.

Mr. BURNES. No; Third Comptroller.

Mr. REED. But it is the same one.

Mr. BURNES. It is the same man, but not the same official.

Mr. REED. Yes; it is the same man who is now Assistant Secretary of the Treasury.

Mr. BURNES. That may be his position now, but his position then was Third Comptroller.

Mr. REED. What was the decision?

Mr. BURNES. That the contract covered seventy-nine days—

Mr. REED. That the money was due?

Mr. BURNES. It was that something ought to be paid, but these certificates have never been furnished to this House.

Mr. McADOO again addressed the committee at some length.

Mr. BURNES. I move to strike out the last word. I take my friend from New Jersey [Mr. McADOO] at his word, and I have as much confidence in him as I have in any man; but I propose to show to this committee absolutely, unconditionally, and beyond all question, that this is an "unconscionable" claim.

To do this I will read a paragraph from the report of the Third Auditor on the claim, in which he concludes by recommending its payment. Here is what he says:

By the charter of the steamer, which was executed on the 20th day of December, 1861, the claimant agreed that she should sail at the first good opportunity, from the port of New York or elsewhere, and proceed direct to such ports and places as ordered by the quartermaster or duly authorized agent of the War Department, and the Government was bound to pay during the existence of the contracts, as hire of the said steamer, the sum of \$200 a day for each and every day she might be employed.

Now, for seventy-nine days she was not employed, and this very auditing officer declares that by the terms of the charter-party, which we have not before us, the owners of the vessel were not to be paid except for the days employed.

Mr. REED. Why, then, did he decide to pay this?

Mr. BURNES. I do not know.

Mr. REED. Let us have both sides of the question presented.

Mr. BURNES. I do not know what made the Auditor decide that they should be paid for the whole time.

A MEMBER. Read what the Auditor says.

Mr. BURNES. Life is too short to read the whole. It is stated by the Third Auditor that that is the law of the contract. Why he reached a different conclusion God knows; I do not. He says the contract was to pay \$200 a day for each day she might be employed.

Mr. BUCHANAN. The word is not "running," but "employed."

Mr. BURNES. That is, employed in the business for which she was engaged.

Mr. DUNN. I wish to ask the gentleman from Missouri one question just there. He read from the Auditor's decision in 1862, or the quartermaster's decision, that pay for these seventy-nine days was then refused because the claimant failed to produce certificates of employment for those seventy-nine days. Now, these officers who have made this decision twenty-four years later hold that those seventy-nine days ought to be paid for, not because certificates of employment for those days have been furnished, but because their construction of the contract is that it would be equitable to pay it. That is the status of the case as I understand it.

Mr. BURNES. That is true, precisely.

Mr. DUNN. Then this claim is the result of an afterthought and a construction of a contract invented by somebody twenty-four years afterward—I guess by some shrewd attorney.

Mr. BURNES. I suggest to the gentleman from New Jersey if these certificates have been presented for the seventy-nine days during which the vessel was employed in the service of the Government that he should show them to the committee.

[Here the hammer fell.]

Mr. McADOO. * * * Now, as to the word "employed," does my friend from Missouri [Mr. BURNES] mean to rest his case on the kind of employment, on the quantity of employment, or upon the fact upon which Mr. Maynard makes his decision, that the vessel was employed at all? It does not make any difference as to this case whether she made one trip a day or was working one hour a day or twenty-four hours a day. So long as her owners were deprived of her use, so long as she was subject to the control of the United States, so long as she was used at all and kept in control of the Government, she was employed in the legal meaning of that word as used in this contract, and the Government should pay for her.

Mr. BURNES. Will the gentleman allow me a word?

Mr. McADOO. Certainly.

Mr. BURNES. This having been an employment by the day, I claim that the words used in the report of the Third Auditor mean that the Government was to pay for every day that the vessel was in use and at work. If I hire a man by the

day, and he is to have \$2 a day for every day that he is employed, that means every day that he works; but there is another question that I desire to present to the gentleman from New Jersey [Mr. McADOO].

Mr. BUCHANAN. Let me ask the gentleman from Missouri a question.

Mr. BURNES. Wait a moment. I now ask the gentleman from New Jersey [Mr. McADOO] if he is not aware of the fact that this vessel was not waiting subject to the orders of the Government during these seventy-nine days? I say to him, and if he will read the record he will ascertain the fact, that a collision took place between another vessel and this boat, which belonged to the owners, whose duty it was to repair it, and that this boat went into the docks and was there undergoing repair during a portion, and perhaps the greater portion, of these seventy-nine days.

Mr. MILLIKIN. Under whose control was she when the collision occurred?

Mr. BURNES. She was the vessel of her owners, the property of her owners. She was chartered by them, by the day, to perform service for the Government, and it was their business to keep their boat in order to do that service, and when a collision took place it was the duty of the owners to repair the boat and keep her in condition to render the service which they had contracted to render. I ask the gentleman from New Jersey if that is not the fact.

Mr. McADOO. I meet the gentleman in the same spirit of frankness which he manifests. This vessel was under the control of the Government officer at the time the collision occurred. That was the very question of fact that the Treasury Department was dealing with—the question of who controlled the vessel's movements—and after elaborate argument and investigation they found that it was the Government pilot who directed the movements of this vessel, and hence they fastened the responsibility upon the Government. * * *

Mr. BURNES. One word more. I submit that this is an urgent deficiency bill; and, as this corporation has slept upon this claim so long, it cannot possibly be said that it is a very urgent one. I submit, further, that when we pass upon this claim the contracts ought to be before the House. We do not want to pass, and the law does not authorize us to pass, upon a claim like this on the opinion of an Auditor or Comptroller. They only certify to us for consideration. The general deficiency bill will come up in a few days, and I am so confident that a review of the papers and of the facts will show that this is an unworthy claim that I am ready to prepare all the facts—to demand the charter-party and lay it before the lawyers of this House and let them and the House determine the question upon the general deficiency bill a month hence.

Mr. McADOO. Will the gentleman allow me at that time to offer this amendment to that bill?

Mr. BURNES. I will allow the gentleman to offer it, as I did to-day, and I submit that this claim ought not to be considered in the absence of the contract.

Mr. McADOO. For myself I would gladly do what the gentleman suggests, but, in view of the murmurs of dissent around me, I do not wish to take the responsibility.

The question was taken on Mr. McADOO's amendment, and it was not agreed to.

Mr. SAYERS. I now move that the committee rise and report the bill with the amendments to the House.

The motion was agreed to ; and the committee accordingly rose, and the Chairman reported its proceedings to the House.

Mr. BURNES called for the previous question on agreeing to the amendments and on ordering the bill to be engrossed and read a third time.

The previous question was ordered.

The SPEAKER *pro tempore*. The question is now upon agreeing to the amendments reported from the Committee of the Whole. Is a separate vote demanded on each amendment ?

Mr. BURNES. I call for a separate vote on two amendments—the one striking out the provisions for clerks in offices of surveyors-general and the amendment inserted on motion of the gentleman from St. Louis [Mr. O'NEILL].

Mr. O'NEILL, of Missouri. I want to correct the gentleman's reference to me. I am from the State of Missouri. I do not claim to represent solely the city of St. Louis. [Laughter.]

The SPEAKER *pro tempore*. If there be no objection, the vote will be taken in gross on all the amendments, except the two on which a separate vote has been demanded.

There was no objection, and the remaining amendments were agreed to.

The SPEAKER *pro tempore*. A separate vote has been demanded on the amendment which will be read.

The Clerk read the amendment, the same being for salaries of clerks in offices of surveyors-general, &c. It was not agreed to.

The House adjourned before the second amendment was voted upon.

DEBATE UPON SENATE AMENDMENTS TO THE URGENT DEFICIENCY BILL.

MARCH 15, 1888.

Mr. BURNES. I am instructed by the Committee on Appropriations to report back, with the amendments of the Senate, the urgent deficiency bill and to move its reference to the Committee of the Whole House on the state of the Union.

Mr. OUTHWAITE. At the proper time I wish to reserve all points of order.

The SPEAKER. That can be done now. The Clerk will read the title of the bill.

The Clerk read the same.

The SPEAKER. The bill with the amendments of the Senate will be referred to the Committee of the Whole House on the state of the Union, and ordered to be printed. All points of order are reserved by the gentleman from Ohio [Mr. OUTHWAITE].

Mr. BURNES. I move to dispense with the morning hour for the call of committees.

The motion was agreed to, two-thirds voting in favor thereof.

Mr. BURNES. I now move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the urgent deficiency bill.

The question being taken on the motion of Mr. BURNES, the motion was agreed to, and the House accordingly resolved itself into Committee of the Whole on the state of the Union.

Mr. BURNES. I ask unanimous consent that all bills on the Calendar of the Committee of the Whole be passed over until we reach the urgent deficiency bill.

The CHAIRMAN. If there be no objection, that order will be made.

There was no objection.

The CHAIRMAN. The bill was returned from the Senate with amendments, which have been considered by the Committee on Appropriations, who have reported them back with various recommendations. The question is now upon those amendments.

The report (submitted by Mr. BURNES) was read.

Mr. BURNES. I suppose we might as well concur in the report of the committee on the amendments of the Senate, unless there is some gentleman who desires information as to the action of the committee.

Mr. CANNON. What is the suggestion of the gentleman from Missouri?

Mr. BURNES. I suggest we concur in the report of the committee, unless there are inquiries to be made or information desired as to the action of the committee.

Mr. CANNON. As to amendment 13, where it is recommended to concur with the amendment, and as to the sixty-third amendment, I desire they may be excepted and be considered separately.

Mr. BURNES. I do not object, if that be the gentleman's desire.

Mr. CANNON. I desire those two amendments to be excepted and acted upon separately.

Mr. BURNES. My colleague on the committee, the gentleman from Maryland [Mr. McCOMAS], desires to consider for a moment the action of the committee in reference to the amendment proposed by my colleague [Mr. O'NEILL], and I will yield to him for that purpose.

Mr. ROGERS. I rise to a parliamentary inquiry before the gentleman from Maryland takes the floor. I should be glad to be advised whether the report which we have before us embraces those items concurred in by the committee, as well as those which are not concurred in.

Mr. BURNES. If I understand the gentleman, we recommend concurrence in some of the amendments of the Senate and non-concurrence in others.

Mr. ROGERS. The gentleman does not understand me, evidently. What I wish to get at is this: Does the report which you bring in with the bill indicate to the House the amendments of the Senate you propose to non-concur in?

Mr. BURNES. Certainly.

Mr. ROGERS. I have listened, and what has been read by the Clerk has only been by numbers, and those numbers do not indicate anything as to the character of the Senate amendments proposed to be concurred in or non-concurred in.

Mr. BURNES. The Senate amendments are all numbered and the action of the committee refers to those numbers; so that if you turn to the number of the amendment recommended to be concurred in or non-concurred in you will see exactly to what matter reference is made. The amendments are all printed and referred to by numbers.

Mr. McCOMAS. The gentleman from Missouri has yielded to me, and I prefer to make my remarks now rather than when the amendment is read.

Mr. CANNON. I ask for the reading of the amendments.

The Clerk proceeded to read the amendments.

Amendments 1 to 9 were passed upon.

Amendment numbered 10 was read, the same being a provision for deficiency in the revenue-cutter service.

Mr. BURNES. The committee recommend non-concurrence in that amendment.

Mr. MORROW. I move to concur in the Senate amendment. * * *

Mr. BURNES. Mr. Chairman, I sincerely hope that the action of the committee in regard to the amendment which has just been read will not be disturbed. The reason of that hope is probably better understood by members of the Committee on Appropriations on both sides of this Chamber than by those who have not been engaged in the work of considering this bill. The appropriations and expenditures for this service have increased somewhat in the last few years, and for the present fiscal year Congress appropriated \$20,000 more than for any previous year.

Mr. STEELE. Let me ask the gentleman if that is not due to the fact that more vessels have been employed.

Mr. BURNES. That may be. And we have the same information now before us that we had when the committee labored upon this bill in the first instance. It may be that when we go into conference the Senate conferees will give information that will justify concurrence in the amendment, but at present we desire to consult the Senate conferees with regard to the necessity for this additional appropriation of the \$30,000 provided here.

Now, our request is certainly not an unreasonable one. I say it may be, and it is very likely to be, the fact that we shall ultimately concur in this Senate amendment; but, so far as we know at present, we think it would be better to have a consultation with the Senatorial referees and report to the House the facts and information that may be gathered from that interview before we tie our hands irrevocably and say that this sum shall be appropriated, because it must be observed that this \$30,000 additional will make an increase of about \$50,000 over and above the expenditures during the preceding year. I trust our friends on both sides of the Chamber, in a spirit of fairness, justice, and candor, will get all the information possible concerning this item of appropriation before undertaking to tie both the hands of the House and the conferees irrevocably as to the amendments. I hope the gentleman from California himself will see the propriety of taking this course, and not insist upon concurrence here without any other facts than those which were before the Committee on Appropriations, on which their recommendation was based.

Mr. STEELE. Was not the information before the Committee on Appropriations, before this bill went to the Senate, that there were many vessels needing repairs, and because the appropriations had not been wholly exhausted, the chief of the revenue service informing the committee that that was due to the fact that he had estimated just as closely as he could, so as not to be in danger of exhausting the appropriations, and that he needed much more money; but the appropriation was not made because he had not expended every cent, but had some \$6,000 on hand?

Mr. BURNES. In answer to my friend from Indiana [Mr. STEELE] I will say we had a gentleman representing that bureau before the Committee on Appropriations and got from him all the information he appeared to be able to give us; but I have yet to learn that there was a single member of that committee who was satisfied this increase ought to be allowed.

I say, therefore, in view of the fact that those of us who have investigated the matter most closely and most fully have not yet seen good reason for concurring in the Senate amendment, it would be the part of wisdom and prudence to non-concur until we are informed by the Senate conferees of some facts which would justify such action.

I will say further that in a former bill we appropriated for the rebuilding of a steamer destroyed in this service, I believe, in the Gulf of Mexico. There have been side appropriations here and there; and upon the whole ground, looking at

the whole case, I think I am authorized to assure the House, upon the judgment of the entire committee, that concurrence now would be imprudent, if not unwise.

Mr. ADAMS. * * * I take it this House has some duty to perform with regard to these appropriations. The Appropriations Committee also has some duty to perform; and the first duty it has to perform is to inform itself in order that the House may be informed. When the bill is first introduced it comes from the committee. The committee knows all about it, and it is its duty to inform the House. When it comes from the Senate with Senate amendments it is referred to the House committee for the express purpose of getting information before the House. Therefore it appears to me the reason given by the gentleman from Missouri when he first rose—a reason so frequently given—that he wants to put the amendment in conference because he wants it investigated, should not be tolerated in this House.

Mr. BURNES. In reply to the gentleman from Illinois I will say I have investigated this matter to my satisfaction so far as the evidence laid before the committee is concerned, and I presume other members of the committee are satisfied so far as the information goes which has been presented to them; but, whatever it may be, we do not know all the facts in this case. I have great hope that when we get into conference we may learn something from the Senate conferees that even the gentleman from Illinois does not know in regard to it.

Mr. ADAMS. I do not pretend to know much about it, but I suggest to the gentleman, if he is disposed to non-concur and thinks this House ought to non-concur, he ought to give some reasons in answer to the reasons which have been given us in favor of concurrence.

Mr. BURNES. I think that is a reasonable request, and I answer that for the service of the present fiscal year we appropriated \$20,000 more than was ever appropriated for this service before—\$20,000 more; and now, before the close of the year, \$30,000 additional are asked for, and we have not had such information as to justify us in believing that \$50,000 in excess of the expenditures of former years are necessary.

Mr. STEELE. Has not the committee the information before it that many vessels out of repair cannot leave the wharves where they are on account of their condition?

Mr. BURNES. I certainly did not hear any such statement from the gentleman who appeared before us representing the bureau.

Mr. STEELE. That is my information.

Mr. BURNES. He presented nothing outside of the ordinary annual repairs, according to my remembrance.

Mr. EZRA B. TAYLOR. From the remark which fell from the gentleman from Missouri [Mr. BURNES] I understand—I may not be right about it, but I understand—that the real object of non-concurring in this amendment is to keep it in as trading capital.

Mr. BURNES. The gentleman has greatly misunderstood me.

Mr. EZRA B. TAYLOR. I understood the gentleman to say quite emphatically that we are quite likely to agree at some time on this amendment. Now, sir, that is a fact which does exist, I will not say in this committee, but elsewhere, and I am

utterly opposed to it. I believe in the Bismarckian doctrine of diplomacy, to tell the truth, to hide nothing, and to keep nothing back in an appropriation bill or any other for the purpose of trading in conference.

Mr. BURNES. Mr. Chairman, I wish to say in reply to my friend from Ohio [Mr. EZRA B. TAYLOR], the lover of Bismarck and Bismarckian principles, that I am, equally with himself, hostile to any proposition which leaves any appropriation open for trading or trafficking between the conferees on the part of the House and the conferees on the part of the Senate. I certainly made no statement to the contrary. I certainly would not be a party to any such proceeding. I simply said it might be possible—that I thought it might be probable—that the intelligent body at the other end of the Capitol might be able to give us some reason, some argument, some fact, that would throw new light upon this subject. I hope they will be able to do so; but certainly if they do not do so, as I feel at present I should, if a member of the conference, report back to this House my inability to concur with the Senate conferees. I do not want anything in my hands to trade on with the Senate conferees. The gentleman misapprehended me.

Mr. MORROW addressed the Committee upon the amendment.

The amendment, however, was non-concurred in.

Amendments 10 to 25 were passed upon.

The next amendment (in which the Committee on Appropriations recommended non-concurrence) was read, the same relating to the National Home for Disabled Volunteer Soldiers, at Leavenworth, Kansas.

Mr. DINGLEY. I would like to hear the gentleman from Missouri state the reasons which induced the Committee on Appropriations to recommend non-concurrence in this amendment.

Mr. BURNES. There was no sort of estimate or information sent to the House on this subject; not an item or a line. We have proposed non-concurrence with a view of ascertaining what are the facts and what should be done.

Mr. DINGLEY. I am surprised at the gentleman's statement, because when I happened to be in Leavenworth a month or two ago I visited this National Home, Western Branch, and I found that it was crowded to repletion. General Smith, who was in charge of it, said to me it was necessary an appropriation be made for the erection of barracks, in order to provide for hundreds of soldiers in the West who are awaiting an opportunity for admission into the Home.

Mr. BURNES. Not a line in reference to this matter has been received by us. While I presume the gentleman from Maine [Mr. DINGLEY] is right, and while I think the Senate conferees will be able to give us some information, we certainly have not yet received any upon the subject.

Mr. DINGLEY. In view of the gentleman's statement I make no objection to non-concurrence.

The amendment was non-concurred in.

Amendment 27: Improvements to dry-dock at Brooklyn navy-yard.

Mr. BURNES. The committee recommend non-concurrence,

Mr. LODGE. I should like to know the reason for non-concurrence. It was not in the original bill.

Mr. BURNES. It was offered as an amendment in the House by the chairman of the Committee on Naval Affairs. That is how it got into the bill.

Mr. BOUTELLE. Is the motion to concur in order?

The CHAIRMAN. It is.

Mr. BOUTELLE addressed the Committee, followed by Mr. HERBERT.

Mr. BURNES. We have now heard very nearly, I think, all that can be said upon the subject. The two eminent sailors in the House have spoken, and I hope we will have a vote. I ask unanimous consent that debate on this paragraph shall now close.

Mr. BOUTELLE. Mr. Chairman, before the debate is closed I wish to say a word.

Mr. BURNES. I ask unanimous consent that the debate be limited to five minutes.

Mr. LODGE. I object to unanimous consent, Mr. Chairman. I want to say something on this subject.

Mr. BURNES. Then I ask unanimous consent that debate be limited to ten minutes—five minutes on each side.

Mr. LODGE. I object.

Mr. BURNES. Then I ask unanimous consent that debate be limited to fifteen minutes—five minutes on this side and ten minutes on the other.

There was no objection.

After further debate the question recurred on the motion of Mr. BOUTELLE to concur in the amendment.

The motion was not agreed to.

Amendments 26 to 56 were passed upon.

Amendment 57: Strike out the following:

"And the Public Printer is hereby directed to rigidly enforce the provisions of the eight-hour law in the department under his charge."

Mr. BURNES. I desire to have some understanding about the time to be taken up in this debate. Let the other side take ten minutes and five minutes be allowed to this side.

Mr. McCOMAS. I only want eight or ten minutes myself.

Mr. BURNES. It is necessary this bill should pass this evening, as there are thousands who are waiting for the money here appropriated. I ask that the time taken up by the debate on this question be limited to fifteen minutes.

Mr. O'NEILL, of Missouri. What does the committee recommend?

Mr. BURNES. The committee recommends non-concurrence.

The CHAIRMAN. The gentleman from Missouri asks the debate on the pending matter be limited to fifteen minutes.

There was no objection, and it was ordered accordingly.

Mr. McCOMAS addressed the Committee.

Mr. BURNES. Mr. Chairman, I have not my usual sympathy for my friend

from Maryland in the remarks which he has made. It occurs to me that they are not characterized by that fairness which almost invariably characterizes him. I have never heard it asserted on this floor or elsewhere that the President of the United States or the Public Printer had violated the eight-hour law in the Public Printing Office, and I undertake to say that there can be no just conclusion of that sort. There has been no violation of the eight-hour law. There can be no violation of that law in permitting a man or woman to work the number of hours he or she may desire. We have no compulsory labor laws and cannot have a law to prevent men or women from working as many hours as necessity and inclination may dictate. Eight hours constitute a day's work, and I am glad of it; but volition to work twenty-four hours cannot be destroyed by law.

The eight-hour law was not made for the purpose of preventing a man or a woman from working; it was to give pay for a day's work when the employé worked for eight hours. The eight-hour law, I think, has never been so construed; never been so understood. The remarks of my friend from Maryland [Mr. McCOMAS] seem to me unjust to the President of the United States and to the Public Printer, who, in my judgment, has violated no law.

Mr. RYAN. Then what is the use of this provision here?

Mr. BURNES. In reply to my friend from Kansas [Mr. RYAN] I answer, the provision ought never to have been in this bill. It is not an appropriation. I voted against it. I am opposed to it now; but it was placed in the bill by a decisive majority on a yea-and-nay vote, and the judgment of the House shall be respected.

Mr. O'NEILL, of Missouri. Does my colleague propose on the statement he has just made to absorb all the time on this side? I ask that the time be extended for fifteen minutes. I do not think the gentleman understands what the eight-hour law is.

Mr. BURNES. I understand that eight hours is a day's work when a man is hired for a day, and when he is hired for a day's work he is paid for eight hours. But these employés in the Public Printer's Office are working by the hour and prefer to work ten or twelve hours. Would you restrict them to eight hours if their necessities lead them to work more than eight, as we have to do? Shall the Congress of the United States construe that law to mean that a public officer of the United States shall stop a poor fellow from working when it is necessary for him to work and he desires of his own free will to work extra time to support himself and his dependent family? If you desire such a law as that, make it; but do not undertake to charge respectable and efficient officers with violating law merely because they allow honest men to work as they deem necessary or lawful. Rather let some one present a bill for consideration that will test the judgment and conscience of the American people with regard to the construction sought to be placed on the present law.

I propose non-concurrence, and, as one of the conferees, will stand by the action of the House, whatever that may be.

Mr. O'NEILL, of Missouri. Like a cross-eyed man, not shooting where you look.

Mr. BURNES. I shoot where I look and look where I shoot, but at the same time when representing the House a conferee does not always represent his own judgment.

I yield the remainder of my time to my colleague [Mr. O'NEILL].

Mr. O'NEILL, of Missouri. I ask unanimous consent that the time for this debate be extended ten minutes.

Mr. BURNES. I must object.

Mr. O'NEILL, of Missouri. Will my colleague let me have five minutes' time?

Mr. BURNES. I do not object to that.

The CHAIRMAN. Does the gentleman from Missouri [Mr. O'NEILL] submit a request that he be allowed five minutes?

Mr. McCOMAS. I ask to make the time ten minutes on each side.

The CHAIRMAN. Is there objection?

Mr. BURNES. I object.

Mr. McCOMAS. The time can be taken on the next amendment; but suppose we say five minutes on each side?

Mr. BURNES. All right.

The CHAIRMAN. Does the Chair understand the gentleman from Missouri [Mr. BURNES] does not object to five minutes on each side?

Mr. BURNES. I do not.

The CHAIRMAN. The gentleman from Maryland [Mr. McCOMAS] asks unanimous consent that the time for debate be extended ten minutes—one-half on each side.

Mr. ROGERS. Before I give my consent to that I want to ask these gentlemen a question; otherwise I shall object myself.

Mr. BURNES. I will allow the gentleman from Arkansas to ask a question if I have time left.

The CHAIRMAN. Does the gentleman from Missouri yield for a question?

Mr. BURNES. Yes, sir.

Mr. ROGERS. I simply wanted some gentleman—I do not care who—to state to me, or to the House, where I can find the law that directs that the employes of the Printing Office shall not work more than eight hours. And, if there is not a law of that kind, where is the law that prohibits a man from working more than eight hours? I want to find the law.

Mr. BURNES. There is no such law.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

The CHAIRMAN. The Chair will submit the request of the gentleman from Maryland, that the debate be continued for ten minutes, to be equally divided between the two sides.

There was no objection.

The CHAIRMAN. The Chair would like to understand what is meant by "the two sides?"

Mr. BURNES. Let there be five minutes under control of the gentleman from Maryland [Mr. McCOMAS] and five minutes under the control of the gentleman from Missouri [Mr. O'NEILL].

The CHAIRMAN. The gentleman from Maryland [Mr. McCOMAS] is recognized for five minutes.

Mr. McCOMAS, of Maryland, and Mr. O'NEILL, of Missouri, having concluded their arguments, the question was taken and the amendment was non-concurred in.

The remaining amendments down to the sixty-second were passed upon; when, on motion of Mr. BURNES, the committee rose.

DEBATE CONTINUED, MARCH 16, 1888.

On motion of Mr. BURNES the House resolved itself into the Committee of the Whole to consider the urgent deficiency bill.

Mr. BRECKINRIDGE, of Kentucky. I ask the Clerk to read the amendment which I have sent up.

The Clerk read the amendment, the same being for balance of salary due the United States minister to Peru.

Mr. CANNON addressed the Committee.

Mr. BURNES. Mr. Chairman, this is a very plain and simple proposition. The case is not exactly the kind of claim to which my colleague on the committee [Mr. CANNON] alludes. Ordinarily the salary for a minister is appropriated expressly and there is no deficiency; but my friend knows that it frequently happens in the change of ministers, one retiring and another coming in, as was the fact in this case, that there is an interregnum during which a month or two's salary is lost, and these deficiencies are created in that way.

As I understand, this deficiency was created because of a change which was made by the appointment of a new minister.

Mr. CANNON. Does the gentleman understand that two men drew salary at the same time?

Mr. BURNES. I think that in these cases, under the regulations, and probably under the law, one officer holds until the other arrives; and it often happens that a newly appointed minister is upon salary before he starts for his post of duty, and the retiring minister is paid up to the time of the arrival of the new appointee. In this way a deficiency for a few hundred dollars is of frequent occurrence. I think my friend from Illinois is wrong in this matter.

Mr. CANNON. I do not know whether I am or not; but why should this one case be picked out from a dozen just like it, which have to bide their time?

Mr. BURNES. For the simple reason that the Representative from Kentucky—

Mr. RANDALL. I would like to ask the gentleman from Missouri whether in the act making appropriations for the diplomatic service for the fiscal year 1886 the full amount of salary was provided for the minister to Peru?

Mr. BURNES. I have no doubt the full salary was provided, but in this case there was one man in Peru drawing a salary, and another man who drew the salary from about the time of his appointment until he arrived in Peru to take the place of the retiring minister. This necessarily created a deficiency. There is a certain period allowed—I think forty days—for a minister to go from this country to his

post of duty, during which time he is entitled to pay, and of course the officer whose place he is to take is paid until the arrival of the new appointee.

Mr. RANDALL. But if this were a case of that kind the deficiency would not aggregate \$1,200.

Mr. BURNES. The salary being \$10,000 a year, the amount due for forty days would be just about this sum.

In answer to the inquiry just made by my friend from Illinois [Mr. CANNON] I wish to say that there is nothing wrong or unusual in the presentation of this matter in this way. If any other member has a constituent in a similar situation, all he has to do is to get a proper official certification of the matter from the Secretary of State and the claim would undoubtedly be recognized as a proper object of appropriation.

Mr. CANNON. Are there not a dozen just such cases in the estimates which we did not consider in this urgent deficiency bill?

Mr. BURNES. I think not.

Mr. BUCHANAN. Are there not some?

Mr. BURNES. There may be some cases of consuls or similar officers.

Mr. CANNON. Then we draw the line at ministers?

Mr. BURNES (referring to Mr. Cox, who sat beside him). In such a presence I could not do otherwise. [Laughter.]

The amendment of Mr. BRECKINRIDGE, of Kentucky, was agreed to.

Mr. BURNES. Mr. Chairman, I now move that the committee rise and report the bill, with the various recommendations of the committee and the several amendments; to the House.

The motion was agreed to. The committee accordingly rose, and the bill was passed in the House.

BRIEF COMMENTS UPON THE LEGISLATIVE, EXECUTIVE, AND
JUDICIAL APPROPRIATION BILL.

MAY 26, 1888.

The Committee of the Whole having proceeded at some length with the consideration of the bill, the Clerk continuing, read as follows :

For the First Auditor of the Treasury, \$3,600.

Mr. CRAIN. I make a point of order upon the amount appropriated in the paragraph just read for the salary of the First Auditor of the Treasury. I make this point upon the ground that the provision in the bill is a change of existing law.

Mr. BURNES. Mr. Chairman, in determining the point of order raised by my friend from Texas there is, it seems to me, but one consideration to be entertained by the Chair, and that is purely a question of law. Does the appropriation of \$3,600 change existing law? The gentleman from Texas makes the point of order that this is a proposition to change existing law; yet before he takes his seat he tells you that the courts of the country have decided that the failure to appropriate up to the amounts authorized by law does not operate as a repeal or change of the existing law, but that the law remains the same, and the officer may go into the Court of Claims and recover the difference between the amount appropriated and the amount authorized by law.

That is the sole question here, and I undertake to say that the Chair yesterday did not decide that question. On the other hand, other gentlemen when occupying the chair have time and again decided that a failure to appropriate the full sum authorized by law to be paid is not subject to a point of order, is not obnoxious to the rule, because it does not operate as a change of existing law.

Mr. CRAIN. This is to be considered in connection with that provision in the opening paragraph of this bill which says that the amounts appropriated in the bill shall be "in full compensation." There is, therefore, a change of existing law.

Mr. BURNES. The fact this provision is in, as stated by the gentleman from Texas [Mr. CRAIN], "that the following sums be, and the same are hereby, appropriated out of any money in the Treasury not otherwise appropriated, in full compensation for the service of the fiscal year ending June 30, 1889, for the objects hereinafter expressed, namely," etc., is one thing. There has not been a change for a point of order. If the point of order had been made against those words "in full compensation for the fiscal year ending June 30, 1889" —

Mr. MCKENNA. The Chair reserved his decision upon the point of order until the proper application had been made. It would have been made by myself.

Mr. BURNES. What became of it?

Mr. McKENNA. The Chair reserved the point of order until the committee reached the point when it would apply.

Mr. BURNES. When the Chair is called upon to decide on that proposition I shall have no hesitation in saying the Chair can well sustain the point of order against this provision. I do not think there is any question about it.

It has been held time and again, continuously from the Forty-fourth Congress up to this hour, that an item in one of the appropriation bills is not a change of existing law as to the salary of an officer, but that by the introduction of the words "in full compensation for the service of the fiscal year" it may be made so, and if the gentleman had made the point of order on that proposition I would not have said a word. Nor will I do so when the Chair is called upon to pass upon that provision in the bill; but, so far as the pending provision is concerned, in my judgment it is not subject to the point of order.

Pending a decision on the point of order, the committee rose.

REMARKS ON THE LEAVENWORTH AND RIO GRANDE RAILROAD COMPANY.

JULY 10, 1888.

ITS RIGHT OF WAY THROUGH THE INDIAN TERRITORY.

Mr. HARE. I call up the bill (H. R. 7186) to authorize the Leavenworth and Rio Grande Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

There was no objection, and the consideration of the bill was proceeded with.

Mr. COBB. Mr. Speaker, I do not propose to urge strenuously my objection in this case, because I do not believe it would be of any use, and it is certainly not my purpose to stop legislation to-night by my opposition on this point. * * * Our Western friends here are interested, of course, for their constituents in having these roads constructed. We in the Eastern States have begun to think it does not make any difference how questions of this kind may be determined; that the fate of the Indian is sealed, and therefore it is useless to obstruct the progress of this so-called civilization.

But I wanted to put on record my objections, more by way of protest than anything else. I did not know that this bill was one in which my good friend from Missouri [Mr. BURNES] felt a special interest. I am very much given (I cannot

help it) to yielding to these private solicitations when they come from such men as my friend from Missouri.

Mr. BURNES. I am very much obliged to the gentleman.

Mr. COBB. I do not know whether it is right or not that I should feel this way, but I cannot help it.

Mr. BURNES. I can give my friend from Alabama [Mr. COBB] one satisfaction in return for his courtesy and kindness. I can assure him that this road is being built by one of the strongest and best corporations within my knowledge. It runs through the great city of my friend from Minnesota, Judge RICE. It is now completed from Chicago by way of St. Paul to St. Joseph, the town in which I reside, and the work is now extending beyond my town in the direction of Leavenworth, 30 miles farther, at which point it will strike Kansas and proceed thence to the Rio Grande.

I have no personal interest in the enterprise, but because the road runs through my town the corporation naturally expects and the people there naturally expect that I will do what I can to give the road an easy exit to the Rio Grande. Kansas wants this road, the people of the West want it. I might say I believe the Indians would want it if their concurrence were asked, though I do not know that they have been consulted. The intention is in good faith to build the road in such a manner as to hurt nobody, while adding to the commercial facilities of half a dozen States. I believe my friend from Alabama is doing a valuable service in the interest of the public by sacrificing in this matter a little of his prejudices and a little of his fears that we are treating the Indians unkindly or unjustly.

[At the conclusion of further debate the bill was ordered to be engrossed and read a third time ; and being engrossed, it was accordingly read the third time and passed.]

Mr. BURNES moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid on the table.

DEBATE ON THE GENERAL DEFICIENCY APPROPRIATION BILL.

JULY 28, 1888.

THE FRENCH SPOILIATION CLAIMS' ITEM.

SOLDIERS' CLAIMS.

The CHAIRMAN. By a vote of the House the general deficiency bill has been ordered to be taken up for consideration, and the Clerk will report the title of the bill.

Mr. BURNES. I move that the first reading of the bill be dispensed with.

The motion was agreed to.

Mr. BURNES. Mr. Chairman, I desire at this time, for the satisfaction of members of the committee, to make a statement with regard to the future management of the bill. It has been agreed, after consultation with a number of gentlemen on both sides, we shall proceed to-day with that portion of the bill preceding the final section, and if we reach that section to-day then we shall rise and allow that matter to go over until Monday, or in case it is not reached to-day, that as soon as the preceding sections of the bill have been disposed of we shall then proceed to the consideration of the last section, relating to the French spoliation claims.

It is also agreed, Mr. Chairman, that the general waiver of debate at this time shall not cover that final section, but that a certain time shall be allowed, agreeable to the two sides of the House, for debate on those spoliation claims. I appeal to gentlemen on the other side, and especially to the gentleman from Massachusetts [Mr. LONG], my colleague on the committee, as it is likely the thermometer may run up to 100° in the shade, the time for debate shall be as limited as possible. Four and a half hours have been suggested, but I ask my friend whether it cannot be limited to three hours.

Mr. LONG. After consultation with the friends of these spoliation claims it has been determined that three hours will not be a sufficient time. Four and a half hours on each side is about as little time as they can get along with.

Mr. DIBBLE. Mr. Chairman, having introduced at the beginning of this session the resolution under which the French spoliation claims have been incorporated in this bill, under instructions of the House, and having been requested by my friend from Missouri [Mr. BURNES], who has charge of the bill, to make some inquiry as to the amount of time that would be desired by those wishing to speak in favor of these claims, I do not think that four hours, from my information, will give reasonable time for the debate. I had stated to my friend that four and a half hours was the least time, in my judgment, that would be required, and since that time I have

heard of one or two others who wish to speak upon the bill, in addition to those with whom I had already spoken.

Mr. BURNES. As a matter of course the opponents of the claims will demand the same time that is fixed for your side, but are entirely willing to be governed by the time you may fix. If four hours and a half be insisted upon, of course I will yield my views in regard to the matter.

Mr. LONG. I think, under the circumstances, as so many have expressed a desire to be heard, one gentleman having just spoken to me, that that is the very least time possible.

Mr. BURNES. Then the understanding will be, when we reach that provision of the bill in regard to the French spoliation claims, that there will be a general debate not exceeding four hours and a half on each side.

The CHAIRMAN. Is there objection to the agreement suggested by the gentleman from Missouri?

Mr. CANNON. With one modification, I have no objection.

Mr. LONG. We will concede that.

Mr. CANNON. Yes, but the unanimous consent here asked includes all the general debate, and will exclude any such arrangement as I wish.

Mr. BURNES. We will have a different understanding as to that. Let the present point be settled first.

Mr. CANNON. Well, let this be included in your request.

Mr. TOWNSHEND. Does my colleague insist on general debate now?

Mr. CANNON. I want to be recognized for one hour, but, as I have said, may not occupy all of that time.

The CHAIRMAN. The first request is that the gentleman from Illinois be permitted to address the committee for a period of one hour on this bill, and thereafter that general debate shall not take place until the fourth section of the bill is reached, whereupon not exceeding four and a half hours on each side on that question shall be allowed. Is there objection?

Mr. MACDONALD. I understand the proposition of the Chair to be to give the gentleman from Illinois one hour, and then four and a half hours on each side on the spoliation claims when that provision is reached?

The CHAIRMAN. That is the request.

Mr. MACDONALD. Then I object.

Mr. BURNES. As a matter of course we can proceed with the general debate without unanimous consent, and it was in the interest of economy of time that I sought to have this agreement perfected now. The gentleman will understand that we can proceed with the general debate without limit, so that it will take more time, and this was an economy of time. If the gentleman insists upon his objection we will proceed without limit.

Mr. MACDONALD. Is it an economy of time to give gentlemen one hour on one point, and then give an additional four and a half hours? I am perfectly willing to concede to the gentleman from Illinois to have the time he wishes, but I object to it being coupled with the other proposition.

Mr. BURNES. It is not coupled with the other proposition.

The CHAIRMAN. The chair will state the proposition. The proposition is that the gentleman from Illinois, on the left, be now permitted to occupy one hour in general debate on the general provisions of this bill, after which the committee will proceed to consider the bill under the five-minute rule until section 4, relating to the French spoliation claims, is reached, whereupon general debate will be resumed, and, under the understanding, four and a half hours of general debate on that section will be allowed on each side. Is there objection? The Chair hears none.

Mr. TOWNSEND. The Chair has not waited for a response.

Mr. MACDONALD. I do not object.

Mr. TOWNSEND. I do. These French spoliation claims have been discussed now for nearly one hundred years. They were discussed last January for hours and hours, and it does seem to me a waste of time to give nine hours to the discussion of a proposition which has been discussed so many hours already, and I object to that waste of time.

Mr. BURNES. We will proceed, then, to the consideration of the bill under general debate; and, as I have nothing to offer in the way of general debate in regard to a bill that simply means dollars and cents in pursuance of law, I will yield thirty minutes to my friend from Washington Territory, who will doubtless edify the House.

Mr. BRECKINRIDGE, of Kentucky. If it does not interrupt the gentleman, do I understand that an agreement about general debate is made, and general debate on the French spoliation claims will take place in the general debate instead of waiting until that section shall have been read?

Mr. BURNES. As soon as the House shall have settled down to debate I have no doubt we will be able to make a satisfactory arrangement for the order debate shall take.

Mr. VOORHEES, of Washington Territory, addressed the committee; and at the close of his remarks the committee, on motion of Mr. BURNES, rose.

DEBATE CONTINUED, JULY 30, 1888.

The House having resolved itself into the Committee of the Whole for the consideration of the Deficiency Bill—

Mr. BURNES said: I now ask unanimous consent that general debate on the sections of this bill, exclusive of the last, shall be limited to fifty minutes, forty of which shall be under the control of my colleague from Missouri [Mr. STONE], and ten under the control of the gentleman from Illinois [Mr. PAYSON], and that on the last section of the bill, when reached, general debate shall be limited to four hours and a half on each side.

There was no objection, and it was so ordered.

Mr. STONE addressed the House, followed by Mr. PAYSON and Mr. VOORHEES.

The CHAIRMAN. The Chair will inquire if there is objection to permitting the gentleman from Washington Territory to proceed for five minutes.

Mr. BURNES. The Committee on Appropriations, after a full hearing of the

merits of this proposition, instructed the gentleman in charge of this bill, being impressed favorably with the showing made by the Delegate from Washington Territory, to interpose no point of order, and so my friend and colleague from Illinois cannot shake his gory locks at me and say it was I who did it.

Mr. CANNON. I am not at all criticising the gentleman from Missouri, but simply desired to say to my friend from Washington, in view of the fact that no point of order was made upon the bill by any member of the committee or by all of the committee, that, having failed to make the point of order, it occurred to me there was no necessity for an extended and elaborate debate in favor of the proposition, which was virtually conceded.

Mr. VOORHEES. I understood the gentleman was simply actuated by a spirit of kindness on his part towards me.

Mr. BURNES. Not at all ; but, be that as it may, the Committee on Appropriations were unable to see any want of merit in the proposition. It seems to come from an important city and a growing Territory. The business is increasing very rapidly, and the case came to us so absolutely strong, as presented by the gentleman from Washington [Mr. VOORHEES], that we felt the proposition ought to be considered upon its merits.

The committee instructed me, therefore, to interpose no point of order and leave the decision of the question to the House or to the Committee of the Whole as to whether on the merits it should be adopted ; and I, for one, will say frankly, Mr. Chairman, that although prohibited from making this a part of the bill under the rules of the House, yet on the merits of the proposition I am decidedly in favor of the amendment.

Mr. VOORHEES. I am very much obliged to the gentleman from Missouri.

The Clerk read the next paragraph.

Mr. McADOO. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows :

For payment on account of Army transportation in 1882 and prior years unpaid by Congress
* * * to the Hoboken Land Improvement Company of New Jersey, \$15,800.

Mr. McADOO. The merits of this matter have been so often discussed by myself and the chairman of the committee and by the House that unless gentlemen desire to raise objection I do not think it will be necessary to make an extensive argument as to the justice of this claim. Suffice it to say that it is the only claim of this kind allowed by the Treasury Department, all other claims being rejected.

Mr. BURNES. As the subject-matter of this claim has been several times before this House and has frequently been discussed at great length, I have noticed an evident disposition on the part of the House to make this allowance. It has been certified to by the accounting officers of the Treasury, and by no less a one than the present Assistant Secretary of the Treasury. I cannot say that my opinion has undergone any change. The Government of the United States in 1862 settled with this company for the use of their vessel, and paid that amount which the Gov-

ernment thought at the time was due. Notwithstanding, this claim for additional payment is here. Some seventy-six days' use of the boat is in controversy. These days were lost to the vessel and to the Government.

By the terms of the charter-party it may be said, possibly, that the time was lost to the Government; but, be that as it may, the Government settled at the time for what it regarded as just and paid what was believed to be due. I have so long and so earnestly, session after session, opposed claims of this sort, I have so often been met with hostility in my efforts to defeat them, that I can go no further. I have appealed to my friend from New Jersey [Mr. McADOO], and to other gentlemen who are good lawyers, to examine this matter for themselves and to say upon their honor as Representatives and lawyers whether they believe this claim should be paid. They have decided in its favor, and I do not propose to offer any opposition further than to state that if the gentleman from New Jersey is satisfied this claim ought to be paid, if this committee is satisfied it ought to be paid because it has received the sanction of the accounting officers of the Treasury, I shall not stand here longer in a vain fight, although I believe that the claim should be rejected.

Mr. CANNON. * * * I presume they have as much merit as this has. The claims I refer to are the Van Hoffman claim, which has been certified by the accounting officers of the Treasury, and also the claim of the Baltimore and Ohio Railroad Company, and there are many others of the same kind. Whether the Van Hoffman, which has been audited, is to go in there, or whether the Baltimore and Ohio claim has to go in there, I do not know. I suppose this will go, and properly so, but it dictates the inquiry in my mind, which has occurred to me heretofore—and, I suppose, will time and again hereafter—that we deliberately in our proceedings make fish of one and fowl of another. Having said that much about it, I will say no more.

Mr. BURNES. I desire to say but a few words in reply to my colleague [Mr. CANNON]. He is right in his statement that there are other claims equally certified by the accounting officers of the Treasury, but I can assure this committee that the other claims to which allusion has been made stand upon an entirely different footing. This claim has been pending for a long time. There was no question as to the loyalty of the party.

There was no question as to the fact that the property was chartered and used by the Government, and it is simply a question of law whether the Government should pay for some extra days during which the vessel was disabled. I say that much, and yet the other cases to which allusion has been made, while they are certified to as this is, they do not, in my judgment, stand upon any sort of meritorious ground.

Mr. ANDERSON, of Kansas. What is the amount of this claim?

Mr. BURNES. This claim is for \$15,000, I believe.

Mr. ANDERSON, of Kansas. What for?

Mr. BURNES. The Government of the United States chartered a vessel or boat for use during the war on the coast down from New York. It agreed under the charter-party to pay \$200 a day, I believe, for the use of the boat. There

were some seventy-odd days during which the vessel was disabled and rendered no service to the Government, and the simple question arises whether the Government should pay for those days or not. The Government settled with the parties, paid them for every day that the Government used the vessel, but declined to pay them for the seventy-odd days during which it was unfit for use.

Mr. CANNON. The parties took the money and gave a receipt.

Mr. BURNES. Yes; the parties took the money and gave a receipt.

Mr. ANDERSON, of Kansas. Was the vessel disabled in the Government service?

Mr. BURNES. I am so advised.

Mr. ANDERSON, of Kansas. And under Government command?

Mr. BURNES. That is a question. The Government had sent a man to take charge of the vessel, but he seemed to be incompetent, and some one who was regarded as more competent was put in charge, I believe, by the owner of the boat.

Mr. BAYNE. The disablement was in consequence of that incompetency?

Mr. BURNES. That is in doubt.

Mr. CANNON. * * * Now, it appears that the accounting officers of the Treasury construe this charter-party and say that a fair construction gives the owners of this vessel pay for the days that she was undergoing repairs as well as for the days that she was in actual use, and perhaps there are some decisions of the courts to that effect. At any rate, the law officers of the Government have so held and have certified this account, and I am not here to dispute that their construction of the charter-party is a proper one. I am not combating the allowance of this particular claim, but I am complaining of the fact that the same law officers who audited and certified this account have certified other claims here year after year and administration after administration, and that we appropriate the money in the one case while we withhold it in the others.

Mr. BURNES. My friend from Illinois [Mr. CANNON], my colleague on the committee, seems to be of the opinion that there is some sanctity connected with the opinions of what he calls the law officers of the Government. I was not aware that there was any such sanctity about the opinions of the accounting officers of the Treasury. There is an express statutory provision which makes the decisions of the accounting officers of the Treasury merely advisory and imposing upon Congress the duty of investigating and considering each claim that may be reported by those officers. The claims which they report are not sent here merely for appropriation—they are not sent here to be paid upon presentation as adjudicated claims—but the law makes it our duty to consider each and every such claim upon its merits, looking to the accounting officers of the Treasury merely for advice.

Mr. BAYNE. Do not those accounting officers invariably give to the Government the benefit of the doubt? Is not that the experience of the gentleman and of other members of the Committee on Appropriations?

Mr. BURNES. That is not my experience. I do not know what experience the gentleman from Pennsylvania [Mr. BAYNE] may have had, but it is not my experience that all accounting officers of the Treasury Department do give the Government the benefit of a doubt.

Mr. BAYNE. But in this case three Auditors and two Comptrollers have passed on this claim and certified it to be a legal liability on the part of the Government.

Mr. BURNES. I am not speaking of this particular claim so much as of other claims to which allusion has been made; or, rather, I am speaking to the duty of this Congress to investigate and consider these claims not as absolute verities sent here merely to be appropriated for, but to consider them on their merits before making appropriation to pay them.

Mr. CANNON. Of the many hundreds of claims appropriated for in this bill, how many has the gentleman or any other member of the committee or any member of this Congress examined by sending for the papers and inquiring into their merits?

Mr. BURNES. My colleague would ask me to plead guilty to neglect of duty.

Mr. CANNON. I am trying to establish the practice of Congress.

Mr. BURNES. And my colleague would ask me to testify to his abandonment of duty. I can do neither one of those things, for the reason that we do give consideration to these matters, and, as a member of the Committee on Appropriations having this bill in charge, I can say that I have never prepared a deficiency bill without giving consideration to every item reported by the accounting officers of the Treasury.

Mr. CANNON. What does my friend call consideration?

Mr. BURNES. Well, such consideration as, in my judgment, may be necessary to protect the Government.

Mr. CANNON. Has my friend sent for the papers and gone over them and examined them in the one-hundredth part of these cases?

Mr. BURNES. I have in all cases that seemed to have any element of doubt or where there was the slightest suggestion of suspicious circumstances. Wherever any suspicion was aroused or wherever the amount was large I have not hesitated to send for the papers and examine them as I would examine the papers in a case for a client in court, but I must confess that there are many little claims for soldiers, for horses lost in the army, for allowances of various kinds for small amounts—as to such claims I have generally come to the conclusion that there was nothing in them to excite suspicion, and that they made no duty for further consideration than could be given upon a mere glance. Therefore, sir, I have looked over all those items in such a manner as to give them what I believed to be the only practical consideration that was required. Whenever a claim comes before us that involves a large amount of money, or that is twenty-five or thirty years old, or that has been lying long before the Departments, or that is surrounded with circumstances suggesting inquiry, I have uniformly in every such case carefully examined the claim, and I think that is the duty of the Committee on Appropriations, as it is the duty of this House under express law.

The amendment of Mr. McADOO was finally agreed to.

The CHAIRMAN. The Chair will now direct the Clerk to return to the amendment offered by the gentleman from New York [Mr. BACON], which will be again read.

The Clerk read as follows :

To enable the Secretary of War to complete the monument at Washington's headquarters at Newburgh, N. Y., &c., \$32,000.

[Mr. BURNES had previously introduced a point of order against the amendment.]

The CHAIRMAN. The Chair has taken counsel on this question with eminent parliamentarians of this body, and the opinion prevails in some quarters that this is a "very close question." The amendment seems to "change existing law," and yet it is claimed to be in order under that clause of the rule which authorizes appropriations for the continuance of "such public works and objects as are already in progress."

Mr. CANNON. Will the Chair be kind enough, while referring to the rule, to cause the provision of existing law to be read?

The CHAIRMAN. The Chair was about to state the question. This point of order has been made under section 3 of Rule XXI, which prohibits the recognition of any amendment "changing existing law." The amendment appears to change existing law by repealing that provision of the joint resolution in question which fixes the appropriation at \$25,000, for this amendment proposes to increase the limit in the sum of \$32,000. Another clause of the same section, however, would seem to authorize the amendment—the clause providing that appropriations shall be in order for "public works and objects already in progress." In view, therefore, of all the facts, the Chair has decided to submit the point of order to the decision of the Committee of the Whole.

Mr. CANNON. With reference to the merits of this proposition, I would be right glad to know, as a member of the committee, what the language of the original provision of the appropriation is—not of the rule, with which we are familiar, but the provision of law that authorized this work.

The Clerk read the joint resolution, at the conclusion of which Mr. BACON addressed the committee.

The CHAIRMAN. The Chair will submit the question to the committee, but before doing so begs leave to say that, being only a temporary occupant of this position, he feels some hesitation in passing upon the point of order, because of the contrariety of views presented by different parliamentarians. The Chair entertains no doubt, however, as a personal opinion, that this amendment is obnoxious to the rule, but will submit the question to the committee for its decision. The question is, Shall the point of order presented by the gentleman from Missouri [Mr. BURNES] be sustained?

Mr. BURNES. Mr. Chairman, in order that every gentleman may vote intelligently upon this question, and in order that we may ascertain how far gentlemen will discriminate or be influenced in the consideration of a point of order by the merits or the demerits of a proposition, I desire to call attention to the language used in the original resolution. By that language it is expressly stated that these grounds are the property of the State of New York.

There is no pretense that they are not the grounds of the State of New York, and the appropriation originally made appropriated a fixed sum of money, \$10,000

of which might be used for the purpose of erecting a suitable column. There was no undertaking of a public work ; the appropriation simply gave the right to use \$10,000 for the erection of this column, and the subsequent appropriation of \$25,000 was limited to such use, with the provision that no liability in excess of that amount should be created against the Government. Now, is that a public work? Does the Government of the United States undertake public works upon ground belonging to a State?

Mr. BUTTERWORTH. I understood Colonel CAMPBELL to say that these grounds had been conveyed to the United States.

Mr. BURNES. Well, if Colonel CAMPBELL or any other colonel asserts that, it is his duty to show the record of the title.

Mr. BUCHANAN. Does not the Government do public work upon almost every bend of the Mississippi River?

Mr. BURNES. That is provided for by another provision in the rules, so far as public works on rivers and harbors are concerned.

Mr. BOUTELLE. I do not see why the question of the gentleman from New Jersey does not go directly to the proposition of the gentleman from Missouri. The gentleman from Missouri asked whether the Government of the United States prosecutes public work upon lands not ceded to the United States. Now, if it does prosecute public works upon any river or harbor, or in any State, upon lands not ceded to the United States, it seems to me that that fact answers the gentleman's question.

Mr. BURNES. The Government of the United States has perfect and complete jurisdiction over every navigable stream, and it is no part of the purpose of Congress to appropriate for the banks of the river. Our appropriations are made for the improvement of the navigation of the river and for that alone.

Mr. BOUTELLE. Oh, no.

Mr. BURNES. Undoubtedly. Without such an understanding no river and harbor bill could ever pass Congress or receive the sanction of the President of the United States. There is no doubt about that. We go upon the ground, and the river and harbor bill goes upon the ground, that the money is appropriated for the improvement of the navigation.

Mr. BOUTELLE. You do not pretend that the works upon the banks of the Mississippi are conducted upon grounds owned by the United States?

Mr. BURNES. I claim that the Government has complete jurisdiction over the whole Mississippi.

Mr. BOUTELLE. Over the banks?

Mr. BURNES. Over the entire waters, currents, and channels of the river.

Mr. BOUTELLE. I am speaking of the improvements on the land.

Mr. BURNES. I know of no such public works. I know of no authority for any such works.

Mr. BOUTELLE. It would take but very little trouble to call the gentleman's attention to some very extensive ones.

Mr. BURNES. I know of none whatever. All the public works of the United States on the Mississippi look to deepening the channel, confining the river to its

bed, and improving the navigation. It is for that purpose that the appropriations are made, and if you undertake to pass a river and harbor bill upon any other principle you will never pass it through this Congress or any other.

The CHAIRMAN. The question is: Shall the point of order taken by the gentleman from Missouri [Mr. BURNES] be sustained?

The question was taken, and the point of order was sustained.

The Clerk read the first paragraph under the heading DEPARTMENT OF JUSTICE.

Mr. SMITH, of Arizona. I offer the following amendment:

For payment to Joseph Campbell, of Phoenix, Ariz., for assisting in prosecution of certain fifteen Apache Indians charged with murder before the United States court at Phoenix, Ariz., \$1,500.

Mr. BURNES. The gentleman from Arizona [Mr. SMITH], in whose integrity I have the fullest confidence, assures me that the appointment in this case was made by the Attorney-General prior to the rendition of the service. There is no doubt that the law gave the Attorney-General power to make the appointment; but I have had nothing placed before me as a member of the committee indicating that the Attorney-General did in fact appoint this gentleman to prosecute these cases. I am now assured that such a letter is in possession of the gentleman from Arizona.

Mr. SMITH, of Arizona. I cannot lay my hand upon it at this moment, but I will print it in the RECORD.

Mr. BURNES. With that understanding, I withdraw the point of order.

The amendment was adopted.

The Clerk read the next paragraph.

Mr. ROGERS. I now send up, in accordance with the suggestion I made on Saturday, the amendment which I wish to propose to this paragraph of the bill.

The Clerk read as follows:

Insert: "To enable the Attorney-General to continue to employ able and skillful lawyers in cases wherein he deems their services absolutely necessary, and to pay for services already rendered and to be rendered under existing contracts, \$30,000."

Mr. BURNES. I desire to submit to my friend from Arkansas a provision which I would like to have inserted as a part of the amendment, if the committee shall see fit to adopt the amendment, in the following words:

Provided, That this appropriation shall not be taken as indicating an intention on the part of Congress to waive the provisions of section 3679 of the Revised Statutes in case of future accounts of this character.

Mr. ROGERS. What is that section?

Mr. BURNES. That is the section which provides that no Department of the Government shall expend in any one year more than the actual amount of the appropriations therefor.

Mr. ROGERS. I have no objection to the modification, but it does not occur to me as being necessary.

Mr. BURNES. I do not know that it is necessary, but as the amendment is in some conflict with it, I think it better to incorporate the proviso.

Mr. ROGERS. Very well.

The CHAIRMAN. If there be no objection the two propositions will be treated as one amendment.

Mr. ROGERS addressed the committee upon the reorganization of the Department of Justice.

Mr. BURNES. In the appropriation for this service for the fiscal year 1887 it was the intention of the committee to appropriate a certain sum for the payment of regular assistants to the United States attorneys; but the language used to accomplish that purpose was not very apt, and the Department of Justice construed it to mean that they had a right to pay out of that fund not only the regular assistant attorneys, but also any special counsel that might be employed under the law. Therefore the requirement upon the Department to pay for such special service reduced the aggregate amount which was intended for the regular assistants, but which, as I say, the language of the appropriation seemed to authorize the Department to use also to pay for special service.

The amount appropriated for assistant attorneys would have been sufficient if we had used in the bill of that year the language that we use this year. This year's appropriation is confined to the regular assistants of the United States attorneys.

The discharge of the obligations imposed upon the Department by the employment of special counsel depleted the amount for the regular assistants to the extent of, as is estimated, 20 per cent. Therefore, in appropriating this 20 per cent. now, we appropriate it to pay the regular assistants that which is precisely their due, and which would have been paid out of the regular appropriation if the language of the former bill had been the same as the language of the present bill.

Mr. BUCHANAN. I understand the gentleman now to say that the language used in lines 21 and 22 of the bill applies to regular assistants to United States attorneys. By that does he mean the regular assistants in each district or assistants employed in some particular way?

Mr. BURNES. The regular assistants in each district. It is not intended to be used to pay for services rendered by special counsel in any case.

Mr. BUCHANAN. I desire to offer an amendment to the amendment.

The amendment to the amendment was read as follows:

Strike out the words "already rendered and," so that the provision will read: "And to pay for services to be rendered under existing contracts, \$30,000."

Mr. SOWDEN. Mr. Chairman, I think the amendment offered by the gentleman from Arkansas [Mr. ROGERS] should not be adopted. This question was fully discussed pending the consideration of the sundry civil bill, and a similar amendment, submitted by the gentleman from Alabama [Mr. OATES], was rejected by the House. The sundry civil bill as it passed the House contained a provision appropriating \$10,000 for the payment of special attorneys employed under the direction of the Attorney-General. The Senate Committee on Appropriations amended this provision by increasing it from ten to fifteen thousand dollars. * * *

Mr. BURNES. My friend from Pennsylvania will understand that the amendment offered by the gentleman from Arkansas [Mr. ROGERS] speaks for itself, and that it does not purport to give the elements that demand the expenditure of this amount.

Mr. SOWDEN. I have reference now to the appropriation in this bill of \$40,500 for the payment of assistant attorneys.

Mr. BURNES. If the gentleman refers to the item at the bottom of page 30 I beg to say to him that no part of that amount can possibly be paid to Mr. Lowrey or anybody else who is employed as special counsel, because the whole of this money goes exclusively to the regular assistants of United States attorneys all over the country.

The question being taken on Mr. BUCHANAN'S amendment to the amendment of Mr. ROGERS, it was disagreed to.

The question then recurred on the amendment of Mr. ROGERS.

The amendment was rejected.

Mr. HERMANN. I desire to ask the gentleman from Missouri whether the clause preceding this, providing for the payment of the fees of district attorneys, applies exclusively to the deficiency for the fiscal year ending June 30, 1887. Was there any deficiency reported to his committee for the fiscal year ending June 30, 1886, or does any such deficiency exist?

Mr. BURNES. Only about \$300.

Mr. HERMANN. I was under the impression there was a deficiency in regard to the payment of many of the district attorneys for that year.

Mr. BURNES. The clause in the bill is intended to cover all the deficiencies that have been reported to us as occurring in 1886.

Mr. HERMANN. The language is "being a deficiency for the fiscal year 1887."

Mr. BURNES. Three hundred dollars is all that has been reported to us as a deficiency for 1886.

Mr. HERMANN. Then I am satisfied.

The Clerk read the next paragraph.

Mr. BURNES. I offer the amendment I send to the desk, to come in after line 15.

The Clerk read as follows :

Pay of bailiffs, United States courts, &c., \$25,000.

Mr. ROGERS. I do not understand the full purport of that amendment, and would like to reserve the point of order for the present.

Mr. BURNES. In answer to the gentleman from Arkansas I would simply say that this is the regular estimate coming to us from the Department of Justice. It seems to be an absolute deficiency, so far as the pay of bailiffs is concerned. The multiplication of courts and tendency to increase expenditures by judges of courts, who have control in most instances, have made this a deficiency and have rendered it absolutely necessary for the appropriation to be made.

So far as the private secretaries to the judges of the Supreme Court are concerned, that is a proposition that every gentleman understands for himself. They have been authorized by law.

Mr. ROGERS. I do not see how this changes existing law.

Mr. BURNES. I do not think it changes existing law.

Mr. ROGERS. Does it limit the number of bailiffs?

Mr. BURNES. No, sir; it is to pay for services already rendered, and for no other purpose whatever.

The amendment was adopted.

Mr. KERR moved to strike out the last word, and thereupon addressed the committee upon the pension appropriations.

Mr. BURNES. I heartily sympathize with my friend from Iowa, who has just taken his seat, for I know full well that he is not happy over the healthy condition of things existing in regard to the soldiers of the Republic, whose just rights and honors are found to be safe in the keeping of the present Administration. It is sometimes, however, found to be necessary, or at least appropriate, to make a slight cut through the mere coating with which a sham solicitude regarding pensions to worthy and suffering soldiers it too often covered. This is effectively and fairly done by the simple observation that no administration of the General Government since the war has shown a more commendable disposition to do full justice to the soldiers of the Union or to make a more tender or liberal provisions for their widows and orphans than the present national administration.

Furthermore, Mr. Chairman, I call the attention of the gentleman from Iowa to a patriotic duty devolving upon us all in connection with this very bill, and which shall put to the test the real love of gentlemen for the needy soldiers and those dependent upon them.

In this bill are appropriations for near ten thousand soldiers, their widows and orphans; appropriations for money due them for bounty, back-pay, commutations of rations, horses lost in the service, etc. They are in need of the sums found due them, and they need them at once.

Propositions to load this bill with stale, extraneous, and worthless claims, thereby endangering its passage and threatening to so gorge it as to deprive it of the approval of its friends and of the country, are being widely made, and all who look first to the interests and rights of the soldier should join the Committee on Appropriations in opposition to such claims and help gladden the hearts of the ten thousand soldiers named in the bill.

I ask that the clerk read the next paragraph.

The *pro forma* amendment of Mr. KERR was withdrawn.

Mr. TARSNEY. I desire to offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

At the end of line 20 insert the following:

"To pay Samuel D. Craig for extra services connected with the preparation of the Calendar and indexing the same for the first session of the Fiftieth Congress, \$600."

Mr. BURNES. I make the point of order on the amendment, but will reserve it if the gentleman desires.

Mr. TARSNEY. I offer this amendment inasmuch as the House last Friday passed a resolution for the payment of this sum to Mr. Craig. It was passed upon a report of the Committee on Accounts, which is to be found on page 7611 of

the RECORD. This was a service performed by him in the preparation of the Calendar for this House, something that this clerk has never yet been called upon to do.

Mr. BURNES. The gentleman who is the beneficiary of this provision occupies a seat at the desk and is receiving a salary of \$3,000 a year. Just exactly what his duties may be I am not advised, but I apprehend it will be considered he is receiving a just, reasonable salary for all the work that he is called upon to perform.

The fact that he is occupying the position he is is evidence that the salary paid is sufficient for this work. He is a representative, agent, or servant of the House, and it is his business to obey the orders of the Clerk, and perform any labors that may be laid upon him. If the pay is insufficient for his work, give him \$3,600; but I say to you, gentlemen of the committee, that if you raise that salary to \$3,600, you should raise them all along the line. There is no reason why you should not raise the salary of every individual that holds a position at that desk if you raise the salary of this clerk.

Mr. TARSNEY. Permit me to say that the services for which this compensation is claimed are reported by the Committee on Accounts as not pertaining at all to the ordinary duties of the tally clerk of this House. * * *

Mr. BURNES. I would like to know what are the duties of Mr. Craig. I ask the chairman of the Committee on Accounts [Mr. SHAW] what duty Mr. Craig has to perform except that of a tally clerk?

Mr. SHAW. I am advised that he prepares the Calendar. That, I think, is part of his duty. During this session, at the request of the Clerk, he has added to it an index, which, if the gentleman has had occasion to consult, he has doubtless found exceedingly convenient. It is the duty of Mr. Craig twice a week to put upon this Calendar all matters that are presented for consideration, and also to see that the index is properly kept up, that bills which have passed the House are struck from the Calendar and new ones added to the list, so that he is kept constantly on the alert.

Mr. BURNES. Now, then, we have the information. The tally clerk has nothing to do except to keep tally and to make this index.

Mr. SHAW. And the Calendar.

Mr. BURNES. The making of the Calendar is a part of his duty. It appears that he has improved the Calendar by adding an index, and if he does any extra work at all it is not in the making of the Calendar, but in the preparation of this index. So I understand the statement of the chairman of the Committee on Accounts. This gentleman receives \$3,000 for performing the duties of tally clerk and making the Calendar. Now, because he has, with commendable industry and kindness, made an improvement upon the Calendar, does that give him a claim for extra compensation for extra work? Is he overburdened to such an extent by the preparation of this index that he should be paid \$600 over and above his salary for it? I feel, Mr. Chairman, that this House will surely not enter upon such legislation as this.

Mr. SOWDEN. It has already done it.

Mr. BURNES. I wish to say another word. The reading clerks get \$3,000 a

year each, and what work do they do? I need only ask the question. Members of this House have seen them toiling and struggling night and day in the performance of duties that almost placed their lives in jeopardy. Shall they receive no more than the tally clerk? Think of it a moment, Mr. Chairman, and let this House determine in a spirit of justice whether it will raise this salary to \$3,600 and leave those other clerks at \$3,000.

The amendment was rejected.

Mr. MATSON. I offer the amendment which I send to the desk.

The Clerk read the amendment, the same providing for additional compensation to an employé of the House.

Mr. BURNES. I reserve a point of order on that amendment.

Mr. MATSON. I wish to say a word in behalf of this amendment, and I trust that I may prevail upon my friend from Missouri [Mr. BURNES] not to insist on the point of order. Such an appropriation as this has been made, I think, three or four times heretofore, as perhaps gentlemen may remember. The beneficiary named in the amendment is the clerk detailed from the Pension Office to assist the Committee on Invalid Pensions in its work.

Mr. BURNES. Mr. Chairman, I regret to be obliged to insist upon this point of order, but in the absence of contrary instructions from the committee which I represent it would be improper for me not to make it. I would like to accommodate my friend from Indiana, as he knows.

This gentleman, however, to whom the amendment refers is in the regular employment of the Government. He is getting his salary as an employé in the Pension Bureau. I do not think he will resign or will suffer materially if this additional compensation be refused. Still, on the appeal of the gentleman from Indiana, I would waive this point if I dared to do so; but the committee expects me to make points of order wherever they can properly be made.

The CHAIRMAN. The Chair sustains the point of order.

Mr. ANDERSON, of Illinois. I move to amend by inserting, after the amendment last adopted, the following:

To pay to Howard A. Wiltberger \$75 for forty-five days' work in the folding-room, and to Charles Brereton \$158 for work in the folding-room.

Mr. BURNES. I make a point of order upon that amendment. I am willing to reserve it until the gentleman from Illinois can be heard.

Mr. ANDERSON, of Illinois. Mr. Chairman, this amendment proposes to provide payment, as I understand, for work which these boys did in the last Congress. They were placed in the folding-room by Mr. Donelson and did the work to which they were assigned.

Mr. HOLMAN. How many are there?

Mr. ANDERSON, of Illinois. It provides for the payment of two persons.

Mr. HOLMAN. I think it ought to go in.

The CHAIRMAN. The Chair sustains the point of order.

Mr. ANDERSON, of Illinois. I do not know that the gentleman insisted upon the point of order.

Mr. HOLMAN. Let me ask if they were paid anything at all.

Mr. ANDERSON, of Illinois. No, sir; I think not. I think they performed this work and it was found afterwards that the officer of the House had exceeded his power in authorizing it to be done. Hence they could not be paid in the regular way. I hope the point of order will not be made.

Mr. BURNES. It seems that this does not come very regularly, nor has it been certified by any officer of the House. My friend will see the impropriety of making an appropriation under those circumstances, and while I regret exceedingly to be compelled to make the point of order, yet I feel it to be my duty to do it, as I have no authority from the committee to do otherwise.

The CHAIRMAN. The Chair must sustain the point of order if the gentleman insists upon it.

Mr. BURNES. I move that the committee now rise.

The motion was agreed to, and the committee rose.

DEBATE CONTINUED, AUGUST 3, 1888.

SOLDIERS' CLAIMS.

Mr. LAIRD. I have the consent of the gentleman from Missouri to recur to page 61 for the purpose of offering an amendment prior to going into discussion of the French spoliation claims.

The amendment was read, as follows :

Insert :

"For the payment of claims for arrears of pay and bounty to Union soldiers, or their legal representatives, already certified by the accounting officers of the Treasury Department and to be certified, up to and including June 30, 1889, \$1,300,000, as follows :

"Pay, etc., of the Army, \$15,000; pay of two and three years volunteers, \$530,000; bounty to volunteers and their widows and legal heirs, \$630,000; bounty under act of July 28, 1866, \$125,000; total, \$1,300,000."

Mr. BURNES. I have consented that my friend from Nebraska [Mr. LAIRD] may present that amendment, but it is subject to a point of order. That point of order I make, which is that it changes existing law.

Mr. REED. There is no objection to offering the amendment.

Mr. BURNES. It may be as well to exclude it now.

Mr. REED. I understand the question is simply upon the point of order.

Mr. LAIRD. I wish to make one suggestion to the gentlemen in charge of this bill. This amendment makes it possible for these claimants to receive their pay in the order of the allowances, instead of having to wait for a year or more for the action of the committee and the Congress. I do not concede that it is subject to the point of order, but even though it be so, it is not taking any advantage of the Government, while it is doing a thing which in conscience ought to be done for these claimants.

Mr. REED. Will the gentleman from Missouri [Mr. BURNES] have the kindness to state what existing law he regards this as in conflict with?

Mr. BURNES. In objecting to the consideration of this amendment I do it

because the proposition is not in order, inasmuch as it changes existing law; and in answer to the gentleman from Maine [Mr. REED], I refer him to the act, called the "covering-in act," of March 3, 1874.

Mr. REED. The gentleman surely does not consider that this amendment is in conflict with that law, because that act simply provides for covering in unexpended balances which used to be employed, but which are no longer employed.

Mr. BURNES. The law requires the accounting officers of the Treasury to certify these claims to Congress for consideration. That is the existing law; so understood, so stated in the statute. This is to appropriate \$1,300,000 in advance of the certification, and therefore I object to the further consideration of the proposition.

Mr. REED addressed the committee.

Mr. BURNES. Mr. Chairman, I think I have been sufficiently indulgent toward the gentleman from Maine [Mr. REED] and the gentleman from Nebraska [Mr. LAIRD]. If this were a new question I might be entirely willing to yield further and to have time occupied in the continued discussion of this matter; but, sir, it is no new question. This proposition is in contravention of the settled policy of Congress ever since 1874. It is in contravention of the practice which has prevailed here and of the decisions of this House upon this very question.

Now, I will only say as a matter of history, and as a warning to members of the House, that it has been but a year or two since a chief of division in the Department under consideration manufactured applications in horse cases, manufactured the testimony, and got away with some \$12,000 of the money of the Government.

Mr. REED. Did the Committee on Appropriations revise that matter or examine into it?

Mr. BURNES. I say that the fraud has been ascertained, the facts have been ascertained.

Mr. REED. Did the committee pass on those cases?

Mr. BURNES. I am not prepared to say——

Mr. REED. If they did and if those claims escaped that safeguard, it would appear that we must have another.

Mr. BURNES. Perhaps the committee did not carefully scan the action of these accounting officers of the Treasury——

Mr. REED. Then it is evident that their scanning is of no good.

Mr. BURNES. Very well. Because the Committee on Appropriations may make a mistake with regard to the examination of some of the ten thousand claims which come before them, that is no reason why we should undertake to change existing law upon an appropriation bill.

Mr. REED. There is no existing law in this case.

Mr. BURNES. But the fact that what I have stated has been done is a sufficient warning to us to follow the law, which provides that Congress shall receive these reports of the accounting officers of the Treasury and give them consideration.

Mr. REED. That is, follow a law that did not prevent this loss.

Mr. BURNES. Follow a law that did not prevent this loss.

Mr. REED. Precisely. Then what is the object of following it?

Mr. BURNES. We had better follow it and be more prudent, more scrutinizing in the future.

Mr. WILSON, of Minnesota. Because an accident or an oversight happened in one instance it **does not** follow that the course of procedure in general is not a sound one.

Mr. REED. But it is perfectly evident that this catch-all of the Appropriations Committee does not do any good.

Mr. WILSON, of Minnesota. The rule which the gentleman from Missouri insists upon would tend very much to multiply the chances against such a loss.

Mr. BURNES. Let me say in answer to my friend from Minnesota [Mr. WILSON] and to the gentleman from Maine [Mr. REED] that, although the Appropriations Committee did not discover this fraud, it was discovered in time to prevent the loss of the money.

Mr. REED. Discovered by whom?

Mr. BURNES. By Government officials.

Mr. REED. Then why not leave these matters to them?

Mr. BURNES. It does not make any difference by whom it was discovered; but if there had been a permanent appropriation that man would have drawn that money and carried it with him to Canada or elsewhere.

Mr. REED. To a poor fellow who has been kept out of his money for a year it is a very unsatisfactory answer to be told that the Government cannot prevent thieving.

Mr. BURNES. But if there had been a general appropriation, as the gentleman desires, the man to whom I have referred could have drawn the money and carried it off.

Now, surely it is doing no injustice to insist that we should understand what we are paying before we pay it. Therefore, Mr. Chairman, I insist upon my objection to the consideration of this proposition.

Mr. REED. But there is no objection pending now. The question is now on the point of order.

Mr. BURNES. I have stated emphatically all the way through that I would not consume the time of this House in discussing the point of order any further.

Mr. REED. But the Chair announced that there was no objection to entertaining the amendment, and we have been discussing the point of order.

Mr. BURNES. I beg your pardon. The Chair surely did not so announce. While I was willing to hear the gentleman I thought it just as well to settle the question at once on an objection to the consideration of the amendment.

Mr. REED. Then you have not much confidence in your point of order.

The CHAIRMAN. The Chair stated, in answer to a question of the gentleman from Maine, that the Chair heard no objection, and that the amendment was received subject to a point of order.

Mr. CANNON. In addition to that, the gentleman from Missouri, as well as the gentleman from Maine and the gentleman from Nebraska, discussed the point of order, and there are two or three others of us who want to be heard upon it.

Mr. BURNES. I wish to make this suggestion. I may have been unfortunate in expressing myself, but it was my intention to object to the consideration of this amendment regardless of the point of order. I also made the point of order and reserved it so as to enable the gentleman to present his views.

The CHAIRMAN. The Chair understood the gentleman from Missouri to say that he would not object to the consideration of the amendment, but that it was subject to a point of order, and that he made the point of order against it.

Mr. REED. That is what he said.

The CHAIRMAN. The Chair so understood, and the Chair submitted the question whether there was objection. No objection being heard, the gentleman from Maine thereupon made the inquiry whether this amendment was before the Committee of the Whole. The Chair stated that it was before the committee, subject to the point of order.

The gentleman from Nebraska [Mr. LAIRD] will now be heard on the question of order.

Mr. LAIRD addressed the committee, followed by Mr. CANNON.

Mr. BUTTERWORTH [to Mr. CANNON]. Will the gentleman permit me a moment? As I understand the law does authorize this——

Mr. CANNON. Certainly.

Mr. BUTTERWORTH. To determine the liability, and there is no law authorizing an appropriation after this determination has been obtained.

Mr. BUCHANAN. There is for none except those authorized by law.

Mr. BUTTERWORTH. Where there is a law determining the liability of the Government and recognizing the obligation to pay when judgment is arrived at?

Mr. BURNES. I will answer my colleague. In the first place, I call attention to the fact that this is a general deficiency bill, making appropriation for the payment of obligations incurred in the past. The proposition submitted would make an appropriation extending into the future. In the second place——

Mr. CANNON. Will the gentleman allow me?

Mr. BURNES. I would rather that you address the committee again and let me alone.

Mr. CANNON. Well, then, I will do it. [Laughter.]

Mr. BURNES. In this bill every claim of the soldier for commutation, back pay, bounty, and loss of horses up to the 15th day of July is incorporated. Following usual precedents, when the bill shall have reached the Senate that body will call for a still later report, which will be within a week of the passage of the bill, and before the bill becomes law the claims certified to will have been appropriated for. That has been the usual practice. Now, the law which I have sent to the Chair is explicit to me. The law requires the accounting officers to ascertain and certify these claims to Congress, not for payment, but to certify them to Congress for consideration, and it must have force and effect upon the gentleman who occupies the chair of this committee. If they are to be sent under the law to Congress for consideration, what a mockery of justice, what a mockery in language it is to say that we will appropriate in advance and pay before consideration!

Now, sir, it is useless to dwell on a proposition so plain, but I call your atten-

tion emphatically to it, that every presiding officer must give force and effect to every statute, and this statute requires these accounting officers of the Treasury to send these claims to Congress, not for appropriation, not for payment, but it requires them to send those claims for consideration. It means necessarily consideration before payment. Now, having called your attention to that proposition, I desire to call your attention to a further fact. This question has been before this House before. It was brought up here in the last session of Congress. Indeed, I believe it was brought up when the deficiency bill was under consideration this present year. The point was made when the same question was before the Committee of the Whole House at this session of Congress, and was then determined in favor of the law and in favor of the continued, constant, consistent action of the Committee on Appropriations. That which has become the settled policy of Congress, that which has received the sanction of both Houses of Congress for fourteen years, will not, I trust, be ruthlessly disturbed at this time upon this general appropriation bill. I have said and I again repeat that it has been the settled, consistent, and continued policy of Congress, never disturbed and rarely doubted, to take these claims and consider them, and after consideration to pay them, because it is absurd to say that we will pay and then consider.

Mr. Chairman, I am well aware that your long service in Congress and your knowledge of the facts which have been stated will enable you to reach a conclusion more accurate, and reliable, perhaps, than anything I may be able to offer about the matter. It is absolutely certain that it has been the established action of Congress; but now as to the policy, as my friend from Illinois made some remarks about it, and I think I will close with that. By means of this law and through this law and directed by this law, which requires consideration before payment, this House has, during the period that I have been a member, saved to the Treasury a very large sum of money. I wish to call your attention to the fact that in the Forty-eighth Congress, under this very heading, under the head of horses, commutation, rations, etc., because they were transportation claims, there were allowed claims aggregating, I will say, in round numbers, \$100,000.

If there had been an indefinite, general appropriation those claims would have been paid before consideration, and we would have considered them after the money was gone; but the Committee on Appropriations detected the wrong done, and subsequently—

Mr. REED. Did the Committee on Appropriations detect it?

Mr. BURNES. Yes, sir; it did.

Mr. REED. You had not ascertained that fact when you were last on your feet.

Mr. BURNES. I was speaking then of a different proposition.

Mr. REED. What is this case?

Mr. BURNES. I was speaking a while ago about the matter of the defalcation of the chief of a division.

Mr. REED. And what is this hundred-thousand-dollar matter that you are speaking of now?

Mr. BURNES. This hundred thousand dollars was for claims in behalf of

certain insurance companies issuing policies upon steamboats during the war, at Louisville, Ky., and perhaps somewhere else.

Mr. REED. Which claims were discovered to be wrong by the Committee on Appropriations?

Mr. BURNES. These insurance companies' claims were allowed at the Treasury and incorporated into the report.

Mr. REED. Are those the ones that were allowed by Mr. Maynard?

Mr. BURNES. I will answer you in a moment.

Mr. REED. Are they the same claims?

Mr. BURNES. They were disallowed by him upon a review, and the Committee on Appropriations placed itself in harmony with the accounting officers of the Treasury, so that that \$100,000, which would otherwise have been paid out, were saved, with the approbation of the accounting officers of the Treasury, as well as of this House.

Mr. REED. That is, the second opinion of the accounting officers was against the claims, whilst the first one was for them?

Mr. BURNES. I believe you are right, sir.

Mr. REED. Then how do we know which opinion was correct?

Mr. BURNES. The first opinion was in favor of the claims, and when the Committee on Appropriations raised the issue in considering the estimate or the reports of the accounting officers of the Treasury, then it was that, upon a review of the finding of those officers, at the instigation of the Senate of the United States, the accounting officers set aside or changed——

Mr. REED. Changed their own decision. Is that in a public document?

Mr. BURNES. I cannot undertake now to tell my friend from Maine when those officers changed, because I think the same gentlemen did not make both decisions.

Mr. REED. Well, I want to get the information because I am curious about this matter. One set of men decided that the claims were right and another decided that they were wrong, and you adhere to the last decision.

Mr. BURNES. The first set of men decided in favor of the claims and incorporated them in their report. The wrong was discovered by the Committee on Appropriations and objection was made, and the matter was brought to the attention of the House, and the House sustained the committee, and the claims were stricken out. We refused to appropriate for them.

Then, the claimants having appealed to the Senate, the Senate demanded that there should be a review, and, we assenting in conference, a review was agreed to, and upon that review, which I presume was made by a different set of men and upon a very elaborate argument presenting the facts and the law, the action of the former accounting officers was declared improper.

Mr. REED. So that after all it may be that some citizen suffered rather than the Government?

Mr. BURNES. It may be, but I have not heard from those complaining citizens since, and I can say that the citizens interested were simply made citizens by law. They were corporations without a soul to be saved. They were insurance companies.

Mr. REED. Of course I understand that whatever a corporation does is wrong. That idea I am used to in the House here ; but I have noticed that those decisions which meet the approval of the Committee on Appropriations are always decisions against the claimant. For instance, the Supreme Court of the United States was not able to convince the Committee on Appropriations—

Mr. BURNES. My friend from Maine [Mr. REED] always wants to say something that is a little mean against the Committee on Appropriations ; but the Committee on Appropriations can stand a good deal.

Mr. REED. I think so.

Mr. BURNES. It has stood a good deal.

Mr. REED. I think so.

Mr. BURNES. And foremost in the fight against the Committee on Appropriations has always been the able and the logical and the forceful gentleman from Maine.

Mr. REED. You are doing me too much honor.

Mr. BURNES. But I appeal not for the Committee on Appropriations. I appeal for honest government and for, as the Scriptures tell us, hearing a matter before we decide. A friend near me suggests that the gentleman from Maine does not know anything about the Scriptures, and that therefore I am talking to him in an unknown tongue. [Laughter.]

Mr. REED. Well, even if I do not, I rather guess we are on a par in that respect.

Mr. HENDERSON, of Iowa. * * * I have listened attentively to hear my friend from Missouri quote any law with which this amendment conflicts, and I have heard none. He rests his case upon two propositions—first, custom, and secondly, the law which requires the accounting officers to send to Congress these allowances. Custom is not a law of this House. One line of legislation may have obtained last year, and another may obtain this year. We are tied down closely enough by the Constitution of the United States, without having the legislative discretion withheld from a wise consideration of what is best for the country. The gentleman is too good a lawyer to claim that custom can be quoted as against the amendment of the gentleman from Nebraska.

Mr. BURNES. I am glad my friend admits that my position is sustained by custom. Now, I wish to call his attention to the fact that the Speaker of the House, at this session of Congress, decided that, an express rule of the House having been violated constantly, the practice in violation of that rule having continued ever since he had been in the chair, therefore, although the terms of the rule were express, absolute, and unconditional, yet, the custom having been in contravention of the rule, he would continue to follow the custom.

Mr. HENDERSON, of Iowa. We have no rule in this case, and when questions in regard to the construction of the rules arise the Speaker may well refer to custom for the construction of a rule ; but you must have the foundation of a rule on which to rest in order to make the argument of my friend from Missouri applicable to this case. Here we have no rule in conflict with the amendment of the gentleman from Nebraska. The accounting officers of the Treasury are required by law to send

these matters here for our consideration, that we may appropriate money to pay them. The law creating these accounting officers and sending these matters to them for consideration provides who shall determine the legitimacy of these claims. That is the purpose of the lawmakers; and it is a well-settled rule of law that when the statute provides a mode of procedure for the consideration of certain questions it also provides that the officers charged with that duty shall consider them.

Now, I submit to the Chair that there has been an utter failure here to point out any law with which it is in conflict. I do not intend to go into the policy of the question. I think it is an outrage that these bounty claims, so long standing, so old, so just, belonging to poor people throughout the country, should be made an exception and payment refused for one, two, three, four, and even five years, and claimants kept waiting all these years before a settlement can be obtained. I have received myself, in almost every mail, letters bearing upon this question and asking that the Government should do justice to this worthy and needy class of people to whom they belong. I appeal to the Chair, therefore, for a ruling upon this question in the interest of humanity.

The class of cases covered by the amendments are only two—bounties and back pay. These are all that are covered by it, in fact. It does not let in any railroad companies or “soulless corporations,” but these are claims of people having a soul and a body, although the latter is not always comfortably clothed, and so we may eliminate all the soulless rascals from our consideration. I hope we will have a favorable ruling.

Mr. BURNES. I beg the indulgence of the committee for a few moments longer.

It is always gratifying to me to hear the distinguished gentleman from Iowa gush, as he always does, when he talks of the “poor people” of this country. We are taking care of the poor people, and have been doing so for years and years, just as fast as their claims are adjusted and the amounts ascertained.

He speaks of having “received letters,” and also of the fact of these claims having been delayed in their consideration four or five years. We appropriate year by year, up to date, for these claims; but here is what we do not appropriate for, and this may account, not for the solicitude of gentlemen, but for the solicitude with regard to this matter in other respects. Sir, I hold in my hand certified claims ascertained by the Treasury Department and reported to the first session of the Forty-ninth Congress, and I find under this head, “Horses and other property lost in the military service”—a very ordinary caption, “Horses and other property”—the following allowances:

Globe Mutual Insurance Company of St. Louis, Mo.	\$4,000 00
The St. Louis Floating Dock Insurance Company.....	4,000 00
The Magnolia Fire and Marine Insurance Company of Cincinnati, Ohio.....	2,333 33
The Phoenix Insurance Company of New York.....	5,000 00
The Magnolia Fire and Marine Insurance Company of Cincinnati.....	3,000 00
City Insurance Company of Cincinnati.....	3,000 00
Eureka Insurance Company of Pittsburgh, Pa.	5,000 00
Phoenix Insurance Company of St. Louis, Mo.....	5,000 00
American Insurance Company of Cincinnati, Ohio.....	4,000 00
National Insurance Company of Cincinnati, Ohio.....	3,000 00

Central Insurance Company of Cincinnati, Ohio.....	\$3,000 00
United States Insurance Company of St. Louis, Mo.	5,000 00
American Central Insurance Company of St. Louis, Mo.....	5,000 00
Eureka Fire and Marine Insurance Company of Cincinnati, Ohio.....	4,574 19
Citizens' Insurance Company of Cincinnati, Ohio.....	1,744 52
American Insurance Company of Cincinnati, Ohio.....	1,744 52
Magnolia Fire and Marine Insurance Company of Cincinnati, Ohio.....	2,287 10
City Insurance Company of Cincinnati, Ohio.....	2,287 10
American Central Insurance Company of St. Louis, Mo.....	3,787 09
Boatmen's Insurance and Trust Company of St. Louis, Mo.....	3,787 09
The Sun Mutual Insurance Company of New York	5,860 00
The Commercial Mutual Insurance Company of New York.....	2,441 67
The Atlantic Mutual Insurance Company of New York.....	5,860 00
The Washington Marine Insurance Company of New York.....	4,500 00
The American Insurance Company of Cincinnati, Ohio.....	4,667 00

These were the "horse claims" that under the amendment of the gentleman from Nebraska would have been paid before consideration by Congress.

Mr. LAIRD. Oh, no! Let me correct the gentleman. This item does not cover that account at all; it refers only to back pay and bounty.

Mr. BURNES. I trust the gentleman from Nebraska will be easy and keep himself quiet for a few moments. I say if the amendment of the gentleman had been in operation at the time the accounting officers of the Treasury allowed these claims as "claims for lost horses and property lost in the military service," amounting to about \$95,000, it would have stood and would have been paid as for "horses lost;" and so, you see, wisdom, law, and rule all require us to consider well before committing ourselves to such a proposition.

Mr. REED. Are you opposed to paying these claims to these people if they are due? Is there any statute that says a corporation shall not be paid in this country?

Mr. BURNES. No, sir.

Mr. REED. What is the objection, then, to paying them? From the language of the gentleman it would seem as if there was some sort of outrage committed every time a payment is made to a corporation, no matter on what ground it is based.

Mr. BURNES. Now, my friend waited a long time to make a complaint about corporations, but I wish to call his attention to a fact connected with this report. That is the argument under the decisions of I. H. Maynard, the Comptroller, that these claims shall be disallowed, and disallowing them. If the gentleman means by that that I differ from the judgment of Mr. Maynard, he is mistaken; and if he means that I am opposing these claims because they are claims of corporations, he is mistaken. I oppose this method of legislation because corporations are generally the thieves that slip in to the accounting officers of the Treasury and get claims allowed for the loss of horses which have no relation to the loss of horses at all.

Mr. LAIRD. How do you know?

Mr. BURNES. My observation is the basis of my suggestion.

Mr. HENDERSON, of Iowa. Just a word. I am not going to follow my friend from Missouri in his expressions of gush.

Mr. BURNES. None of these insurance companies are at Dubuque.

Mr. HENDERSON, of Iowa. As I said, I am not going to follow my friend in his expressions of gush. It has reached a point that if a man, in discussing a question of policy, alludes to the poor people of the country, he is charged with "gush." If he talks about corporations, no matter how severely, he is misrepresented. I do not want to be driven from a cool consideration of this question by that line of talk. Now, all this talk about insurance companies does not apply to this amendment. The amendment is specific. I hold it in my hand. It is to pay arrears of pay and bounty already certified by the accounting officers of the Treasury Department—

Mr. BURNES. What is the date of the document you allude to?

Mr. HENDERSON, of Iowa. Certified and to be certified up to July, 1889.

Mr. BURNES. Those certified to are in the bill.

Mr. HENDERSON, of Iowa. Not at all. This is for the next year. This amendment which we are now considering is for the benefit of these poor people of whom I have spoken. It extends to June 30, 1889, and is for \$1,300,000. If it were in the bill the amendment would not be necessary now.

Mr. BURNES. Provision is made for all claims that have been allowed up to the 15th of July.

The amendment of Mr. LAIRD was finally ruled out of order by the Chair.

FRENCH SPOILIATION CLAIMS PROVISION.

Mr. BURNES. Having now reached that part of the bill which relates to French spoiliations, as they are called, I do not know that it is necessary to take up time by reading all of the provisions of the appropriations asked for; but I desire to inform the Chair that at the proper time, whenever that may be, I shall move to strike out those provisions, and shall also submit a point of order against the proposition. I do not know whether that point of order ought to be made now or when the provisions are read.

The CHAIRMAN. The Chair is of opinion that under the practice which has prevailed heretofore general debate on a bill always precedes the consideration of questions of order in relation to any particular provision in the bill. By an order of the committee heretofore made, the general debate upon this section of the bill was fixed at four hours and a half upon each side, and the committee has now reached the point when such debate is in order. After the general debate, the Chair will entertain any proposition that is parliamentary, or any point of order that may be made upon the consideration of the bill under the five-minute rule. This section is now before the committee for general debate.

Mr. BURNES. Then it will not be necessary to move to strike out each paragraph, but after the general debate they can all be taken together.

The CHAIRMAN. After the general debate has been exhausted the committee will proceed to consider this part of the bill under the five-minute rule, just as other portions of it have been heretofore considered, and it will be subject to all points of order and all motions that are in order under that procedure.

Mr. BURNES. I ask that the Clerk read the section.

The CHAIRMAN. The committee having waived the first reading of the whole bill, the Chair is of opinion that the reading of this section is not now in order. General debate having proceeded upon the other parts of the bill heretofore, general debate may now proceed upon this section under the previous order.

After the general debate has been exhausted the gentleman may then call for the reading of the paragraphs, to be considered under the five-minute rule. The Chair will recognize the gentleman from Massachusetts on the left [Mr. LONG] to control the time in favor of sustaining section 4 of the bill, and the gentleman from Missouri [Mr. BURNES] to control the time in opposition.

Mr. BURNES. We have the right, Mr. Chairman, to the opening and conclusion.

Mr. LONG. I understand that the opening is with this side.

Mr. BURNES. No, sir; it is not.

Mr. LONG. We have the affirmative of the case.

The CHAIRMAN. The question now raised is a novel one. Of course it is generally assumed that those who report a bill have the affirmative of the proposition—

Mr. LONG. But in this case they do not. In this case those who report the bill are expressly against the subject-matter now in controversy.

The CHAIRMAN. The Chair would prefer that this debate should proceed, reserving the question as to who will have the conclusion of the general debate upon this whole section. The question as to which side has the affirmative is a point the Chair has not heretofore considered.

Mr. DIBBLE addressed the committee.

Mr. LONG. * * * It seems to me that both technically and fairly, as a matter of right, the opening and close of the debate should be in the hands of the friends of the measure, and the only measure which is at stake now is the French spoliation claims as embodied in this bill.

Mr. BURNES. I appeal to my friend from Massachusetts, as a fair man, and a gentleman who I know never resorts to any method which has a semblance of unfairness in order to secure any advantage, not to insist upon the claim that he makes. He and I, I believe, made the arrangement about which the debate was postponed, and neither of us then contemplated, nor did I undertake to waive any right to which the committee was entitled in regard to the control of the bill. As a matter of course he will not ask, therefore, that anything that has occurred that gives him a right which he would not have had if we had considered this bill in the regular manner shall be insisted upon.

Now, we hold the affirmative, to say the least of it—that is to say, the burden is upon us to sustain our position—and, holding that position, we are entitled to the opening and closing of the argument.

The gentleman from South Carolina [Mr. DIBBLE] said that the minority reported against the claims. The gentleman should have said that the majority of the committee had reported against the claims—a majority of nine against six; so that, holding the affirmative, sir, complying with what was alleged to be an order of the House, complying with that order and reporting these claims here against

the judgment of the majority of the committee in respect to the action of the House, surely it will not be claimed that we lose control of our own bill or the mode of conducting the argument in reference to it.

Mr. GROSVENOR spoke upon the point of order.

The CHAIRMAN. At present the general debate is as to agreeing to this part of the bill, and the Chair is of the opinion that the affirmative of that issue is with those who desire the bill to pass in that shape, and therefore holds that side should have the opening and closing of the debate.

But on the question of the subject-matter the Chair is of the opinion that those who are in favor of the bill as it stands are entitled to make the opening and closing speeches, and without reference to individuals the Chair will recognize gentlemen in that order. The gentleman from Massachusetts [Mr. LONG] has informed the Chair that he desires to retain the bill in its present shape, and he being a member of the Committee on Appropriations the Chair will recognize him to control the time in favor of the bill standing as it is, and the gentleman from Missouri [Mr. BURNES] will be recognized to control the time in opposition to that part of the bill. Under the order of the House the debate on this part of the bill is limited to four and a half hours upon each side of the question, and it now begins at thirteen minutes to 3 o'clock.

[Mr. LONG addressed the committee, followed by Mr. RAYNER and Mr. DINGLEY, each of whom delivered exhaustive arguments in favor of the claims. At the close of these addresses the committee rose, and the House adjourned, on motion of Mr. BURNES.

Debate was resumed the following week, and continued from time to time until the 27th of August, when the House, by a vote of 105 to 59, resolved to eject the French spoliation claims clause from the bill.]*

The proceedings are given in the following chapters.

*The achievement attained by Mr. BURNES in defeating these claims may be better appreciated when it is known that, in the early part of the session, the House had instructed the Committee on Appropriations to provide for the payment of the claims; but now, yielding to the persistent attack and persuasive argument of Mr. BURNES, completely turned upon that opinion and agreed, by the large affirmative vote registered above, to throw the French spoliation clause out of the bill.

See latter part of this work for an undelivered argument upon these claims.

RENEWAL OF FRENCH SPOILIATION CLAIMS DEBATE.

AUGUST 22, 1888.

The CHAIRMAN. The gentleman from South Carolina [Mr. DIBBLE] is entitled to the floor, and has occupied ten minutes of his time. One hour and twenty-four minutes of the time yet remains.

Mr. DIBBLE continued his address to the committee.

Mr. BURNES. Mr. Chairman, this is the conclusion of the nine hours of general debate. Under the rule I suppose that, having been in charge of the bill, I would be entitled to an hour, but it will not be expected that I shall commence what I have to say this evening.

Mr. DIBBLE. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DIBBLE. As to the hour which the gentleman claims, I presume he alludes to the hour which he will have in the House after the committee reports the bill to the House. We do not concede that he has an hour in committee. On the general debate, which was closed before this special debate was entered upon, the gentleman did occupy his hour and gave it away to other gentlemen on the floor, but we do not admit that he can now come in with another hour at the close of this debate. We concede that when the previous question is ordered in the House he may have some time at his disposal as the member in charge of the bill, but we do not concede that he has any such privilege in Committee of the Whole.

Mr. BURNES. I beg that the gentleman will not press the consideration of his point of order now, because it was not my intention to urge that issue at this time.

Mr. DIBBLE. I have simply made this statement lest silence should seem to give consent.

Mr. BURNES. Well, I shall make that claim to-morrow. Now, Mr. Chairman, in a spirit of perfect fairness to gentlemen on both sides of this question and on both sides of the House, I desire to say that, having reached the limit prescribed for general debate, I propose to submit a point of order against all of these propositions inserted in the general deficiency bill for the payment of French spoliations. The point may be considered as applying to each particular item or to the whole in general, if we consider it in that way. I make this announcement and I make the point of order now in order that gentlemen may have an opportunity to consult the authorities and to be prepared to present their views with regard to this proposition when it shall come up for consideration either in the House or in Committee of the Whole. I shall make the point of order, and it may be considered as made now, as there may be some doubt as to when it ought to be made, that there is no law authorizing appropriations for the payment of these claims; that the claims are not germane to this bill; that the insertion of them in the bill is in express viola-

tion of several rules of the House of Representatives; amongst others, clause 3 of Rule XXI.

Mr. DIBBLE. Will the gentleman mention the other rules? "Several" is rather a comprehensive word.

Mr. BURNES. I may not be able to refer to them all at this moment, but I will mention Rule XI, clauses 30 and 31, which requires private bills to be referred either to the Committee on Claims or the Committee on War Claims; Rule XXII, clauses 1 and 2, which directs the manner in which private claims shall be presented to the House; and also clauses 3 and 5 of Rule XXI. Clause 5 of that rule requires that all private bills shall be referred to one of the three or four committees having private measures under consideration; but the greater includes the less, and the principal point I make is based on Rule XXI, clause 3.

Mr. BUCHANAN. I suppose the gentleman will be perfectly willing that when his point of order is made points of order may be presented against his right to make the point.

Mr. BURNES. Undoubtedly. I presume, however, that the gentleman does not mean that he has any right to object to my making the point of order.

Mr. BUCHANAN. I do mean just that.

Mr. BURNES. Well, I give notice now, so that no snap judgment may be taken, and so that every gentleman may be prepared to consider the questions of law and order involved. Now, Mr. Chairman, I move that the committee rise.

Mr. McCOMAS. I ask the gentleman to yield to me for a moment in order to correct a name in the bill. I ask unanimous consent to return to page 12, line 12, and I move to strike out the name "Ralph" and insert in lieu thereof the name "Raleigh."

There was no objection, and the amendment was agreed to.

Mr. BURNES. Now, Mr. Chairman, I renew my motion that the committee rise.

The motion was agreed to.

The committee accordingly rose, and the chairman reported its proceedings to the House.

RECURRENCE TO ITEMS IN THE GENERAL DEFICIENCY BILL.

Later in the day, the House having again resolved itself into the Committee of the Whole for the consideration of the Deficiency Bill.

Mr. BURNES said: I ask unanimous consent to return to appropriate places in the bill for the purpose of offering amendments which will meet, I doubt not, the sanction of the entire committee.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to return to some portions of the bill already passed for the purpose of moving amendments proposed by the Committee on Appropriations. Is there objection?

There was no objection, and the amendment was read and agreed to.

Mr. BURNES, from the Committee on Appropriations, moved the following amendment:

For inland transportation, railroad routes, \$562,482.

The CHAIRMAN. Is there objection to returning to that part of the bill and to considering the amendment at this time?

Mr. BUCHANAN. What is the appropriation for?

Mr. BURNES. Mr. Chairman, in reply to the question of the gentleman from New Jersey, I need only to say that the Postmaster-General has found this deficiency to exist in the appropriations for payment of railroads for transportation of the mails. It was estimated last year the service would be extended over 7,000 miles of new railroad, whereas in fact it has been extended over 13,000 miles of new roads. In consequence of that increase over estimates the Postmaster-General urgently asks for this deficiency.

I may add that the distinguished gentleman from Georgia [Mr. BLOUNT], chairman of the Committee on the Post-Office and Post-Roads, to whom the estimate has been submitted, gives his hearty concurrence to the granting of this appropriation for this deficiency.

Mr. BLOUNT. I hope the gentleman will print in the RECORD the letter of the Postmaster-General.

Mr. BURNES. I do not understand the gentleman from Georgia to object to the amendment.

Mr. BLOUNT. No, not at all; but I simply ask the gentleman to have printed in the RECORD the letter of the Postmaster-General.

Mr. BURNES. The letter of the Postmaster-General has already been printed as a public document, but in compliance with the gentleman's request I will have it printed in the RECORD.

The amendment was adopted.

The CHAIRMAN. The Clerk will now report the next amendment proposed by the gentleman from Missouri.

The Clerk read the same.

Mr. BURNES. Mr. Chairman, the object of this amendment is this: In certifying the judgments of the Court of Claims these three claims were included. It has been ascertained, as we are informed, that some error in the calculations was made, in consequence of which motions for new trials have been entered, and we are advised that the judgments are to be reviewed and the amounts changed one way or the other. The parties interested in the judgments, as well as the Fourth Auditor, have requested that this be stricken out now in order to have the exact amounts ascertained and reported to the House hereafter.

There being no objection to the consideration of the amendment, it was adopted.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Insert:

"For reimbursing Kentucky for expenses incurred in suppressing the rebellion, being the amount certified to be due by the Secretary of the Treasury under the law of August 16, 1888, \$38,861.18."

Mr. HOLMAN. Let some explanation of this be given first.

Mr. BURNES. This is an allowance to the State of Kentucky for moneys expended in support of the Union cause during the war, duly allowed by the account-

ing officers of the Treasury, and no doubt will be included in the usual report to the Senate, which will be called for by that body during the consideration of this bill. The gentleman from Kentucky [Mr. BRECKINRIDGE] asks to have it inserted here, and I have in my hand a letter from the Secretary of the Treasury certifying to the regular allowance of the claim——

Mr. ADAMS. There is a provision in the bill already upon this subject.

Mr. BURNES. This goes to that provision.

Mr. HOLMAN. I wish to inquire whether this involves a matter of interest.

Mr. BURNES. It has been investigated and is certified up just as other allowances have been in behalf of nearly all of the other States, and stands upon precisely the same footing with the allowances made to other States for the same purpose, and to Kentucky now in this bill.

Mr. HOLMAN. But an allowance has already been paid to Kentucky, and quite a large one.

Mr. BURNES. Yes, sir; I am aware of that, but that fact does not affect the legality or justice of the present item. I will have read in this connection the letter of the Secretary of the Treasury.

The Clerk read the letter.

Mr. WILSON, of Minnesota. I think there ought to be some explanation of the nature of this claim.

Mr. BURNES. I will state that under several statutes of the United States amounts owing to the States on investigation by the accounting officers of the Treasury are found due to the several States for expenditures in organizing and supplying troops during the war, and when so found they are certified to Congress for appropriation and payment.

Mr. WILSON, of Minnesota. Has there ever been an investigation of these claims, except by the Secretary of the Treasury?

Mr. BURNES. By the accounting officers of the Treasury, under the law and the direction of the Secretary of the Treasury. This is a very ordinary circumstance, and these appropriations from Congress to Congress in behalf of the States are being constantly made.

Mr. WILSON, of Minnesota. Has it been passed on by any committee of the House or Senate?

Mr. BURNES. It has been informally passed upon by the Committee on Appropriations. I have investigated this as much as any such claim usually receives.

Mr. CARUTH. Will the gentleman from Missouri permit me to ask a question?

Mr. BURNES. Certainly.

Mr. CARUTH. Do I not understand you to say that you have investigated it sufficiently to say that it is a just claim?

Mr. BURNES. There is no question, I think, about that.

Mr. RYAN. I would like to ask my friend from Missouri a question. This may be a just claim. I do not know anything about it, and I do not propound any question with a view to antagonizing the matter; but I am not aware, so far as I am concerned, that this question has ever been before the Committee on Appropriations, formally or informally.

Mr. BURNES. I will state that it was not formally considered by the committee in session, but by several of the members individually or informally, and that it came to the committee in the usual way. I have spoken to the members of the committee as I have seen them, but I did not speak to my colleague [Mr. RYAN]; and I wish to say, furthermore, that a practice has obtained in regard to these audited claims in behalf of States, and this claim is within that practice and stands upon the same footing as do the various claims of the State of the gentleman from Kansas [Mr. RYAN].

Mr. RYAN. I understand the character of the claims, and, in a general way, we have investigated them, and they are a character of claims that are just; but still the subject has never been investigated by the Committee on Appropriations.

Mr. BURNES. No, sir.

Mr. RYAN. And it sometimes happens that a State is indebted to the United States and there are set-offs. I do not know that there are any in this case, as I have never investigated the subject. Perhaps the gentleman can give us some information upon that point.

Mr. BURNES. I am wholly unable to say whether there are any set-offs or not.

Mr. RYAN. I want to say, in respect to my own State, that a claim of this character was paid, but it was claimed that our State was indebted to the United States for direct taxation, and that was to that extent a set-off against the amount due the State from the United States.

Mr. BLOUNT. I would like to ask the gentleman from Missouri [Mr. BURNES] if it is not true that by established law the accounting officers of the Treasury are made to investigate and pass upon these claims, and that whenever the Auditor and Comptroller have approved the same if it is not binding upon the United States, and if it is not out of the power of the Secretary of the Treasury to order a review of the case, even.

Mr. BURNES. Yes, sir; it requires the action of Congress to have a review; but the reports of these accounting officers are not final so far as Congress is concerned.

Mr. RYAN. I want to state, though I have not examined this claim, and I am not here to antagonize it, because I do not know enough about it to do that, that I have no doubt the claim is just, and it is of the same character as many other claims. I do not know anything about any informal action upon it, and I do not understand whether there is any obligation or indebtedness due from the State to the United States which might properly be a set-off against this claim.

Mr. BURNES. I wish to call attention, and especially the attention of my colleague from Kansas [Mr. RYAN], to the fact that in this bill there are already two items of appropriation for Kentucky allowances up to the time of the last report then received. Now, those allowances stand upon precisely the same footing as this. They are audited by the same officers, reported in the same way, and are incorporated in this bill; and I will ask my friend whether he investigated either one of those claims when they were before the committee to any greater extent than he has this one—whether he deemed it necessary to go into the elements of the account—that is to say, to go behind the action of the accounting officers of the Treasury Department.

Mr. RYAN. I will answer the gentleman by saying that I was not a member of the subcommittee that was charged with that duty, but I supposed that in a general way subcommittees always gave some sort of investigation even to claims of this character.

Mr. BURNES. That is right; and in the same manner I suppose the subcommittee have given this item the same consideration that was given to the other items in behalf of Kentucky which are already in the bill, and this is just as meritorious as those.

Mr. HENDERSON, of Iowa. I wish to ask the chairman of the committee one question. Has this matter come to us since the bill was made up?

Mr. BURNES. Yes, sir; within the last few days.

Mr. HENDERSON, of Iowa. And has it been considered by all the members of the subcommittee?

Mr. BURNES. I cannot say that they have all been consulted.
The amendment was finally agreed to.

FRENCH SPOILIATION SECTION.

Mr. BURNES. I would like to have an understanding now as to whether the different paragraphs of section 4 shall be read through and the point of order be considered as applying to each paragraph, or whether the point of order made on yesterday will be considered sufficient to reach all the paragraphs in section 4.

The CHAIRMAN. The point of order applies to the whole section, and until that is disposed of it is not in order to proceed to the consideration of the section by paragraphs under the five-minute rule.

Mr. DIBBLE. I raise the point of order that no point of order or anything else can be brought against this until the section has been read.

The CHAIRMAN. The reading of this section and the whole bill was dispensed with in the first instance, and the question now is the reading of the paragraphs for consideration; but the period for consideration has not yet been reached, in view of the fact that the gentleman from Missouri makes the point of order against the whole section.

Mr. BURNES. I would like to understand whether, under the rules and practice of the House, it is competent to consider the point of order as pending and reserved with no decision thereon until the whole section shall have been read and considered.

The CHAIRMAN. The practice of the committee is to the effect that the point of order and its disposition precede consideration of the proposition under the five-minute rule. The point of order is against this section, and will remain until it is disposed of. If it should be held to be out of order, then consideration would be disposed of; so that the decision is generally prior to consideration. However, by unanimous consent the committee could proceed to consider this section with the point of order still pending against the whole section.

Mr. HOLMAN. I hope the decision will be given on the point of order, and I call for the reading of the first paragraph.

The Clerk read the first paragraph.

Mr. BURNES. Now I will make the point of order on this paragraph the same as I did yesterday, and if it be the pleasure of the Chair to consider the question I will proceed.

The CHAIRMAN. It is the duty of the Chair to consider the point of order.

Mr. BLOUNT. I would like to know what the point of order is on the first paragraph.

Mr. BURNES. It is suggested that the first paragraph of the section and the first item in the section should be taken together, as the latter carries an appropriation.

The CHAIRMAN. The Chair will consider the section as beginning at line 11 and continuing to the provision for the first item as in the paragraph that has been read and on which the point of order is made.

Mr. BURNES. Mr. Chairman, I desire to call your attention, in the first place, to the fact that ordinarily no question can possibly be raised against the exclusion of such a proposition as the one just read. Every gentleman upon this floor understands that such a claim as this has no place in a general appropriation bill unless by some express action or authority on the part of the House its insertion is directed; for there is no law authorizing these claims to be inserted in a general appropriation bill. On the contrary, there is an express prohibition under the rules, and we all understand that mere claims against the Government, however meritorious they may be, unless growing up by contract under existing law, cannot be appropriated for in a general appropriation bill; but on the 19th day of December last a resolution was offered in the House directing the Committee on Appropriations to insert in the general deficiency bill certain specified reports from the Court of Claims in relation to so-called French spoliation claims under the law of January 20, 1885. The resolution was adopted on the day first mentioned.

When this Congress met on the first Monday of December last there were precisely 225 members returned who were not members of the Forty-eighth Congress, when the act in relation to these French spoliation claims was passed. There were 225 members who had perhaps never read the history or the story of such claims and knew but little, if anything, of their merits or demerits. A hundred members of the Forty-eighth Congress may have been present, and that is all that could have been present at that time. I know, sir, how quickly members of Congress become educated to the pending and even past questions of legislation, but within the space of ten days after the assembling of this Congress they could not have ascertained or investigated either the law or the facts involved.

This resolution was offered and adopted directing the Committee on Appropriations to report these claims in the general deficiency bill. The resolution was discussed. Many statements made in that debate by gentlemen who are insisting on the payment of the claims will now be found exceedingly interesting in the present connection. I recommend gentlemen to go back and read that debate. The adoption of the resolution, in the opinion of many, imposed upon the Committee on Appropriations an obligation to report these claims in the general deficiency bill, but on the 19th day of December there had been no rules adopted by the House—none. We were acting entirely without rules. The committees had not been

appointed, with the single exception of the Committee on Rules. The House was practically unorganized. The 19th of December was near the eve of the holiday adjournment, and a great many members, including myself, were at their homes. This resolution thus passed seemed to impose an obligation on a committee thereafter to be formed.

But, sir, on the 21st day of December, two days after the passage of this resolution, the Committee on Rules reported the present rules of the House, which were practically the rules of the Forty-ninth Congress, with some amendments, and they were adopted as the rules of the House until further ordered.

Whatever the prior order was—and you may call it a prior statute—it undertook to direct the Committee on Appropriations to do a certain thing; but two days afterwards the House, by the adoption of our present rules, made a later statute, if we call it so, expressly forbidding the Committee on Appropriations, when organized, from inserting any item of the nature of these claims now under consideration in any general appropriation bill.

These rules or statutes of the House for the government of the members, for the government of the various committees, and for the orderly transaction of business were repugnant to the prior statute of the 19th of December, and both could not and cannot stand together. They were inconsistent with each other. One directed a certain thing to be done; the other and the later prohibited it from being done. The first said, Do it; the last said, It shall not be done.

On the 19th the House ordered us to put it in the bill. On the 21st the House ordered us by a solemn and obligatory rule not to put it in the bill. Now, who can reconcile these two laws? If a conflict exists, a repugnancy that is irreconcilable, how shall we determine which one is to be followed and have force and validity?

The rule is believed to be well settled. The authorities are not conflicting. The later statute, order, or direction must prevail and be observed. If a repeal of a prior statute by implication is not favored, it is yet well understood that such repeals occur. This is a case above any in the books where the principle of repeal by implication should apply. No rights intervene. No third party was to be affected. The House simply made a general and a uniform rule applicable to all claims, and did not care to preserve any exception which the resolution of the 19th of December contemplated.

The supreme court of Ohio, in the case of *Cass vs. Dillon*, 2 Ohio State Reports, 607, Judge Allen G. Thurman delivering the opinion, say: "None but the inconsistent then were abrogated; but how were they abrogated? Not by any express words of repeal, for there are none such. It follows that they fell simply because of their inconsistency. Had they been consistent they would have continued. Being inconsistent, they ceased." Judge Ranney, who dissented because of other matters, was even fully as strong as Judge Thurman regarding the question we are considering. Both of them sustain our proposition that where there are two statutes, or two orders, if you please, two directions, two rules of action, which are in conflict with each other, the later one must govern.

Now, by one rule of action we were authorized to put these items in the appro-

priation bill, and by the other rule of action we were prohibited from putting them in the bill. There was, then, a repugnancy and an inconsistency existing between the two rules of action. Now, which shall prevail? Gentlemen will be unable to controvert the proposition by any respectable authority that under such circumstances, where such an incongruity exists between two statutes or two rules, the later one must prevail and the former statute or rule of action must yield because of its incongruity and inconsistency with the later one.

I submit that there are half a dozen rules of this House which would be violated by an execution of the order of December 19, or rather which are in conflict with it. These rules I will specifically refer to, so that every gentleman may have a ready reference to the authorities bearing upon the point of order.

I call attention first to Rule XI, clauses 30, 31, and 50.

Mr. DIBBLE. Will the gentleman please read them?

Mr. BURNES. I will read first the third clause of Rule XI:

To appropriation of the revenue for the support of the Government, as herein provided, namely: For legislative, executive, and judicial expenses; for sundry civil expenses; for fortifications; for the District of Columbia; for pensions, and for all deficiencies: to the Committee on Appropriations.

These are the subject-matters that go to the Committee on Appropriations. Nothing else is authorized by this rule to go to that committee.

I now read clause 30 of Rule XI:

To private and domestic claims and demands, other than war claims, against the United States: to the Committee on Claims.

That is to say, that bills relating to claims shall be referred to the Committee on Claims.

I read also clause 31, which has reference to war claims:

To claims arising from any war in which the United States has been engaged: to the Committee on War Claims.

Mr. DIBBLE at this point addressed the committee upon the point of order, followed by Mr. SENEY.

Mr. BURNES [interrupting Mr. O'NEILL, of Pennsylvania]. I ask the gentleman to yield to me a moment. Mr. Chairman, the hour of adjournment is almost at hand, and unless we can have an understanding that this debate shall close at once the committee may as well rise.

Mr. O'NEILL, of Pennsylvania. I will only say in conclusion, Mr. Chairman, that there stands the order of the House made on the 19th of December; no motion was ever made to rescind that order as required by the rules. It stands there, and you cannot efface it.

Mr. BURNES. Mr. Chairman, in order to test the judgment of the committee, I ask unanimous consent that the session may be continued for half an hour, at the end of which time the Chairman shall pass upon the point of order.

Mr. BLAND. We have the whole fall to discuss this matter, so why need we extend the session to-day? [Laughter.]

Mr. BURNES. Then I move that the committee rise. The motion was agreed to, and the committee accordingly rose.

DEBATE CONTINUED, AUGUST 23, 1889.

The CHAIRMAN. When the committee rose it was dividing by tellers on the question whether the appeal from the decision of the Chair should stand as the judgment of the committee. The tellers will resume their places and the vote will be again taken.

Mr. DIBBLE. Is not the question whether the fourth section, embracing the French spoliation claims, is in order on this bill?

Mr. HOLMAN. The question is whether or not the decision of the Chair shall be sustained.

The CHAIRMAN. The Chair held that the several paragraphs of section 4 were not in order on this bill. From that decision the gentleman from South Carolina [Mr. DIBBLE] appealed. The question is, Shall the decision of the Chair stand as the judgment of the committee? The tellers [Mr. BURNES and Mr. DIBBLE] will resume their places and the vote will again be taken.

The committee proceeded to divide.

The result was announced as—ayes 82, noes 62.

Mr. DIBBLE. That is not a quorum, Mr. Chairman.

The CHAIRMAN. The point of order being made that no quorum has voted, the tellers will resume their places and continue the count.

Mr. DUNN. Mr. Chairman, I desire to call the attention of the gentleman from South Carolina [Mr. DIBBLE] to the fact that 82 is a majority of a quorum, and that it is impossible for him to defeat it; and therefore further proceedings will simply delay the business of the House.

Mr. DIBBLE. I have simply this to say, Mr. Chairman, in response to the matter of arithmetic so kindly suggested by my friend from Arkansas, and which I realize—that I consider that the proposition which I have maintained in the course of the debate on this question, and which I maintain now, has been sustained by a vote on this floor of a majority of all the members of the House—163 members sustaining me on a yea-and-nay vote.

Mr. BURNES. Mr. Chairman, I beg leave to deny that any yea-and-nay vote was taken upon this proposition.

Mr. DIBBLE. And owing to the absence of many of the members of the House—

Mr. PAYSON and Mr. BURNES demanded the regular order.

Mr. BURNES. I am advised, Mr. Chairman, that many gentlemen are refraining from voting under the impression that this is a continuation of the vote begun on yesterday.

The CHAIRMAN. The Chair has stated already that this vote would be taken

de novo this morning ; and the Chair hopes that all gentlemen present will vote one way or the other, so that the committee will not find itself without a quorum.

The Chair announced the vote as—ayes 84, noes 68.

Mr. DIBBLE. As there is evidently no quorum present, I move that the usual proceedings be taken to terminate the call. I have made the point that no quorum has voted, which point I now insist upon, and ask that the roll be called.

The CHAIRMAN. The Committee of the Whole House on the state of the Union having found itself without a quorum, under clause 2, of Rule XXIII, the Clerk will now call the roll.

Mr. BURNES (one of the tellers). One more vote in the affirmative.

Mr. DIBBLE (the other teller). I object to the announcement of any other votes by tellers after the statement has been made by the Chair.

The CHAIRMAN. It will not change the result.

The Clerk will call the roll.

The roll was called, and it being found that there was not a quorum present the committee rose, and the Chairman reported to the House that the roll had been called to ascertain the number present.

Mr. BURNES. I move a call of the House.

The motion was agreed to.

The SPEAKER *pro tempore* [after the call of the House]. One hundred and fifty-eight gentlemen have answered when their names were called—not a quorum.

Mr. BURNES. I offer the resolution which I send to the desk.

The resolution was read, as follows :

Resolved, That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its members as are now absent without leave of the House.

The resolution was agreed to.

The SPEAKER *pro tempore*. One hundred and fifty-eight members answered on the call, and eleven have since reported, making the total number one hundred and sixty-nine.

Mr. DIBBLE. That being a quorum, I desire to ask unanimous consent to make a proposition.

Mr. BURNES. I move that further proceedings under the call be dispensed with.

The motion was agreed to.

Mr. BURNES. I move that the House now resolve itself into Committee of the Whole for the further consideration of appropriation bills.

Mr. DIBBLE. I ask unanimous consent to submit a proposition for unanimous consent.

The SPEAKER *pro tempore*. Pending the motion of the gentleman from Missouri [Mr. BURNES], the gentleman from South Carolina [Mr. DIBBLE] asks unanimous consent to submit a proposition. Is there objection?

There was no objection.

Mr. DIBBLE. Mr. Speaker, my proposition is founded upon the fact that on examining the pairs of absentees I find that quite a number of those who would

vote on the side of the question which I represent have been unable to get here in time, and that the number of absentees on that side is much larger in proportion than on the other side. In view of that fact, in order that both sides may have an equal opportunity to have members present, so that there may be a full vote on this question, I ask unanimous consent that it be made a special order for Tuesday next at 1 o'clock, so that on this day we may go into committee and settle the question. At that time I will raise no point as to a quorum, and I do not think any such point will be raised.

Mr. BURNES. Mr. Speaker, I presume I shall have unanimous consent to make a reply to the proposition of the gentleman from South Carolina. We have under consideration one of the general appropriation bills of this House. We are near the close of August, and there are gentlemen who are claiming that we are detaining the Senate in session. At any rate, we are considering a general appropriation bill. We have upon our Calendars probably ten thousand claims of equal merit, to say the least for them, with the claims now under consideration. Why, then, should we be so anxious to retard the general business of Congress, to disappoint the expectations of the country, and to keep ourselves here struggling in a close House with closed doors over this business, when at best but \$448,000 of these claims could be considered in this bill under any view of the point of order pending, and the forty millions that are trooping on behind are certainly as meritorious as those which by chance, possibly, but perhaps design, have got to the front?

The general public business of Congress is now paralyzed for certain private claims of a century's age, and we keep ourselves here housed in the heat of the dog-days for no better purpose than that of securing special advantage for a class of claims no better, but much worse, than other classes of claims also pending.

It seems to me that the general welfare of the whole people and public laws, rather than private ones, should be preferred. Sixty millions of people should be preferred over five thousand people in whose names these spoliation claims are preferred and pressed with a persistency unparalleled. The proposition of the gentleman from South Carolina contemplates the postponement of a general appropriation bill now under consideration. I oppose such delay. Gentlemen who are absent are under the same obligations to be present that we are.

I decline the proposition of the gentleman from South Carolina, and I do it with all proper respect to him and in all kindness. This general appropriation bill has a right to be passed upon and considered without delay. Furthermore, there are only five thousand people, at the most, interested in these claims, while in this bill, exclusive of these claims, there are to my certain knowledge ten thousand people, equally meritorious, whose claims are beyond dispute—soldiers of the Republic, their widows and their orphans—who have little appropriations in this bill, Treasury allowances for bounty, back pay, commutation of rations, lost horses, and the like, the allowance of which will carry sunshine and happiness to their little homes. Shall we, then, postpone this general appropriation bill as such and take the usual and ordinary course with these spoliation claims?

Sir, the time is now here—this moment—when the House of Representatives, regardless of party policies, should declare for the transaction of the public business

of the Congress and the country, and rebuke any and all attempts to give any class of claims such an exclusive consideration as the proposition involves. Already this attempt to secure special privileges for one class of claims over all other classes has cost us much valuable time and long delayed the passage of a bill against which (with spoliation claims eliminated) there is not a single voice. With my consent, there shall be no further delay. I take occasion to notify the House and the country that I shall lose no occasion to press this bill to a final passage.

The SPEAKER *pro tempore*. As the Chair understands the situation, the gentleman from Missouri [Mr. BURNES] moved that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of appropriation bills, and pending that the gentleman from South Carolina [Mr. DIBBLE] obtained unanimous consent to submit a proposition to the House. The Chair understands that proposition to be objected to, and the question now recurs upon the motion of the gentleman from Missouri [Mr. BURNES] that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of appropriation bills.

Mr. DIBBLE. Pending that I move, as a quorum has now been developed, that the House take a recess until 8 o'clock to-night.

The question being taken on the motion of Mr. DIBBLE, there were—ayes 58, noes 54.

Mr. BURNES. I make the point of no quorum, and call for tellers.

The SPEAKER *pro tempore*. No quorum having voted, the Chair will order tellers.

Mr. DIBBLE. I suppose we had better have the yeas and nays.

Mr. DOCKERY. I hope the gentleman will not ask for the yeas and nays.

The SPEAKER *pro tempore*. Does the gentleman call for the yeas and nays?

Mr. DIBBLE. Well, let the count by tellers go on.

Mr. BURNES and Mr. DIBBLE were appointed as tellers.

Mr. ANDERSON, of Kansas (before the tellers had announced their count). Mr. Speaker, would it be in order to inquire how the vote stands?

The SPEAKER *pro tempore*. If all gentlemen who desire to vote have done so the Chair will announce the result.

Mr. BURNES. Before the announcement is made I would like to make a very brief statement.

The SPEAKER *pro tempore*. The gentleman from Missouri asks unanimous consent to make a statement.

Mr. DIBBLE. I suppose I shall be included in that request?

The SPEAKER *pro tempore*. The gentleman from Missouri and the gentleman from South Carolina each desires to make a statement. Is there objection?

Mr. CULBERSON. Regular order.

The SPEAKER *pro tempore*. The regular order is demanded. The Chair will announce the result. On this question the yeas are 68, the noes 62. No quorum has voted.

Mr. BURNES. I desire very much to make a statement which I think would be of interest to the House. [Cries of "Go on!"]

Mr. DOCKERY. I hope my colleague [Mr. BURNES] will have the opportunity he asks.

Mr. DIBBLE. I hope I shall be included in the same privilege.

The SPEAKER *pro tempore*. The Chair will again put the question. Is there objection to the gentleman from Missouri [Mr. BURNES] and the gentleman from South Carolina [Mr. DIBBLE] making each a statement to the House?

Mr. CULBERSON. Regular order.

The SPEAKER *pro tempore*. The regular order is demanded, which is equivalent to an objection.

The tellers resumed their count.

Mr. BURNES (before the count was concluded). I ask unanimous consent for one minute of time, to be occupied by the gentleman from South Carolina and myself.

The SPEAKER *pro tempore*. The gentleman from Missouri asks unanimous consent that the gentleman from South Carolina and himself be allowed one minute each, in which to make an explanation. Is there objection? The Chair hears none.

Mr. BURNES. Mr. Speaker, I have every disposition in the world to preserve the pension session to-night, and if this remaining half hour of to-day's session shall be devoted to the consideration of a general appropriation bill I pledge myself that I will do no act which will place upon the record the fact that there is no quorum, so that the pension session can go on.

Mr. DIBBLE. Mr. Speaker, it so happens that just at the present the gentleman from Missouri would have to make the point of "no quorum" in order to defeat the pension session.

Mr. BURNES. I beg pardon; I would not have to make that point, and the Chair has so decided. The point has already been made.

Mr. DIBBLE. So far as that is concerned, I have only this to say: We cannot transact any business in the half hour remaining of to-day's session. I do not think it right that we should be forced to vote on a question in regard to which a great many who think with us are, as I have stated, absentees. Therefore I suggest to my friend that he withdraw the point of "no quorum" and allow the recess to be taken, as a majority of those present have voted in favor of it. I made that motion simply because I am consistent with my record on the French spoliation matter.

Mr. BURNES. Mr. Speaker, I reserved the balance of my time, and use it now simply for the purpose of saying that I am gratified to hear from the gentleman from South Carolina that upon the pending point of order he can speak for all the absent friends of these claimants and these claims. I am gratified that he can with perfect certainty count on every friend of these spoliation claims who is absent as being in favor of the pending point of order. The interest they have shown for their payment must be deemed paramount to a just decision of the law on the point of order. I hope they are not all "made that way."

Mr. BURNES (after further proceedings under count). I withdraw the point of no quorum.

Mr. DIBBLE. With the understanding that the gentleman from Missouri will

repeat the motion for a recess, I will state that I will not make the point of no quorum.

The SPEAKER *pro tempore*. On this question the yeas are 64, the nays 69; the noes have it and the House refuses to take a recess.

Mr. BURNES. I move that we take a recess until 8 o'clock p. m.

The motion was agreed to; and accordingly (at 4 o'clock and 40 minutes p. m.) the House took a recess until 8 o'clock p. m. to consider pension claims.

DEBATE CONTINUED, AUGUST 25, 1888.

LEAVES OF ABSENCE.

The House having resumed consideration of the French spoliation claims provision in the deficiency bill, the following resolution was introduced:

Resolved, That all leaves of absence now in force, except for illness, be revoked, to take effect at the meeting of the House on Monday next.

Mr. WEAVER (in reply to a statement made by Mr. CANNON). Do you think it is a good excuse for a member to make to state that he does not belong to the side responsible and for that reason absents himself from the sitting of the House?

Mr. CANNON. No; I do not think it is a good excuse for one elected as a member of the House to be absent from the sitting of the House unless called away on account of sickness or in case of some important emergency, nor is there any good excuse for this long session. If the majority had been reasonably efficient this session would have adjourned weeks ago. You control the House.

Mr. BURNES. Mr. Speaker, I wish to say a word in reply to my colleague on the Committee on Appropriations from the State of Illinois [Mr. CANNON]. In my judgment, he misstates this question. This is not a political matter; this is not a party question, and I thank God for it. It is a question higher than party, higher than any consideration which influences men ordinarily.

Mr. PAYSON. Will the gentleman permit me to ask him a question?

Mr. BURNES. Wait a moment. In 1882 one of the most distinguished statesmen known in the annals of legislation took occasion in his place to tell us who it was that was responsible, and his remarks are so applicable to our present condition I beg to remind my friend from Illinois that it is not the Democratic party that is responsible for this condition of affairs on this bill; that it is not the Republican party who is responsible for the state of affairs by which we find ourselves surrounded, but it is because, in the language of a great American statesman, whose name I will communicate to any gentleman who may desire it—

A MEMBER. Who is it?

Mr. BURNES. It is no less distinguished a gentleman than the Hon. JOHN SHERMAN, who said for forty-nine years this question had been maintained by an army of nurses in Washington, and not only an army of nurses, but, to use his own language, an army of wet-nurses at that. [Laughter.]

This may be the cause of our troubles, and this may point somewhat to the party responsibility. The gentleman who has established his bureau up in the galleries

of this House, and who seems to have that interest in our proceedings that the most extraordinary pecuniary considerations alone can determine——

Mr. DAVIS. I hope the gentleman will allow me to interrupt him for a question, and it is this: Whether the friends of the spoliation claims are responsible for the absence of the members of this House?

Mr. BURNES. I blame no member of this House, whether upon that side of the House or upon this; but it is our misfortune that we are divided, not as partisans, but because of the army of nurses who for forty-nine years have maintained their establishment in this town, and, as JOHN SHERMAN has put it, "wet-nurses at that."

Mr. CANNON. A word in reply to what the gentleman has just said. I did not propose to discuss the French spoliation claims or any other claims at this time. Each member of this body is responsible for his own actions and votes touching them. They stand upon their own merits, if they have any. I do not think the kind of declamation the gentleman from Missouri has just indulged in will either strengthen him in his own views or influence the views of anybody in the House or out of it as to the wisdom or unwisdom or justice or injustice of the proposed legislation.

My remarks had reference to the public business, so far as legislation is concerned, the condition thereof and the responsibility therefor.

It is notorious as a matter of fact in this House, and the country will take note of the fact, and possibly demand an explanation of it, that for at least thirty days our business here has been done practically by unanimous consent. The great appropriation bills for the public service for the year commencing the 1st of July last are not yet enacted. Much important general legislation has not yet been considered in the House. Already this is the longest session of Congress for a generation, and nothing can be now done practically except by unanimous consent. The Democratic majority does not keep a quorum here and close up the business of the session, and the Republican minority is powerless to do it.

Mr. PAYSON. What occasion is there to bring politics into the question?

Mr. CANNON. I say to my colleague, the Republican minority is not responsible for the status of legislation in the House. I will not for myself assume any responsibility for it. So far as I have power I arraign the Democratic majority for its inefficiency in the performance of its duties, in its control of the House, in its failure to enact the general appropriation bills, and in its failure to consider and enact important legislation. The Democratic majority is responsible for the condition which confronts us to-day, and it will be arraigned for its sins of commission and omission before the country, and ought to be, and I believe will be, condemned by the country.

Mr. PAYSON. Before moving the previous question——

Mr. DUNN. Will the gentleman yield to me for a moment to allow an amendment to be read which I wish to offer?

Mr. PAYSON. I will yield long enough to permit it to be read and hear what it is.

Mr. DUNN. It is to direct the Sergeant-at-Arms to notify absent members by telegraph immediately of this order.

Mr. PAYSON. I have no objection.

The SPEAKER *pro tempore*. The proposed amendment will be read.

The Clerk read as follows :

And that the Sergeant-at-Arms be directed to notify all absent members of this order by telegraph immediately.

* * *

Mr. DIBBLE. I moved to take a recess, and I stated the reasons then. I believe that the gentleman and every gentleman in the House understood them. My proposition was that a vote on this question, which is a question involving the dignity of the House, and one of far higher privilege than that of the question of claims, that it should be the imperative duty of members to be present, and I asked that a vote be taken on it at 1 o'clock on Tuesday, by which time a quorum could be present. That proposition was declined. But I shall be very glad when a fair proportion of the members of this House are here that the question shall be decided, and to that decision we will cheerfully submit, whatever the decision may be.

Before the adjournment of the House the resolution as amended was agreed to.

CONTINUATION OF DEBATE, AUGUST 27, 1888.

DEFEAT OF THE CLAIMS.

The CHAIRMAN. The pending question is on the appeal from the decision of the Chair taken by the gentleman from South Carolina [Mr. DIBBLE]. The Chair having ruled that section 4 of this bill, known as the French spoliation section, was out of order on this bill, the gentleman from South Carolina appealed from that decision, and the question is: Shall the decision of the Chair stand as the judgment of the committee? Upon this question tellers have been ordered, and the gentleman from South Carolina [Mr. DIBBLE] and the gentleman from Missouri [Mr. BURNES] will resume their places as tellers.

Mr. DIBBLE. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DIBBLE. On the simple demand for tellers is the question one on which members can vote who are paired with the right reserved to vote to make a quorum.

Mr. BURNES. That is not a parliamentary inquiry.

The CHAIRMAN. The question as to whether a member shall vote or not is one which rests with the individual member.

Mr. WHEELER. Mr. Speaker, before the vote is announced I desire to state that I am paired with the gentleman from Massachusetts [Mr. BURNETT] on the question of the French spoliation claims, and I therefore refrain from voting on this question. If I were free to vote, I should vote to sustain the Chair.

Mr. WILSON, of Minnesota. I desire to state, Mr. Chairman, that I have voted to make a quorum.

Mr. BURNES. That is exactly what we need.

The tellers reported—ayes 87, noes 45.

Mr. DIBBLE and Mr. EZRA B. TAYLOR. No quorum.

The CHAIRMAN. The point of no quorum is made, and the tellers will resume their places.

Mr. NELSON and Mr. BLAND objected.

The count was resumed and the tellers reported—ayes 94, noes 47.

The CHAIRMAN. The point is made that no quorum has voted. The Chair requests that all gentlemen present who have not voted will vote.

The tellers again reported—ayes 94, noes 48.

Mr. BUCHANAN. That is not a quorum, and I demand that clause 2 of Rule XXIII be enforced.

The CHAIRMAN. No quorum having voted, under the rule the Clerk will call the roll for the purpose of ascertaining whether a quorum be present in the committee.

The roll was called. The tellers reporting no quorum present, the committee rose, and the Chairman reported to the House that he had ordered the roll to be called, &c.

The SPEAKER. The names of the absentees will be entered on the Journal. It appears from this roll-call that 168 members, being more than a quorum, are now present. The Committee of the Whole will, therefore, resume its sitting.

The House accordingly again resolved itself into Committee of the Whole on the state of the Union.

The CHAIRMAN. A quorum having appeared, the tellers will resume their places. Gentlemen who have not heretofore voted will please pass between the tellers.

Mr. TURNER, of Georgia. I call the attention of the Chair to the fact that the gentleman from Missouri [Mr. BURNES], who has been acting as one of the tellers, is at this moment absent from the Hall, and I suggest that the Chair designate another teller.

The CHAIRMAN. The gentleman from Georgia [Mr. TURNER] will act as a teller in place of the gentleman from Missouri [Mr. BURNES]. Those gentlemen who have not already voted will please pass between the tellers.

The tellers continued the count.

The CHAIRMAN. If all gentlemen who desire to vote have done so the Chair will announce the result. [A pause.] On this question the ayes are 105, the noes 59. The ayes have it, and the decision of the Chair stands as the judgment of the committee. [Applause.]

[The French spoliation provision having been disposed of, the committee resumed consideration of the deficiency bill proper.]

CONCLUSION OF DEBATE ON THE DEFICIENCY BILL.

Mr. BURNES. Mr. Chairman, I ask unanimous consent to return to certain previous paragraphs of the bill with the view of offering some amendments which I think will meet the approbation of the committee.

*The CHAIRMAN. The gentleman from Missouri asks unanimous consent to return to some paragraphs of this bill for the purpose of submitting amendments suggested by the Committee on Appropriations.

Mr. BUCHANAN. Let the amendments be first reported, so that we may know what they are. After our experience of the other day in allowing a return for some amendments, while others were cut off, we want to know what is to be offered.

The CHAIRMAN. The amendments will be first read, after which the Chair will ask whether there be objection to returning to the previous parts of the bill for the purpose of amendment.

Mr. CANNON. I ask my colleague on the committee [Mr. BURNES] to recollect the agreement made the other day that the gentleman from Virginia [Mr. YOST] should have fifteen minutes.

The CHAIRMAN. The Chair is reminded of the fact, to which the gentleman from Illinois [Mr. CANNON] calls attention, that at a previous sitting of the Committee of the Whole unanimous consent was given that the gentleman from Virginia [Mr. YOST] should be allowed to address the committee for fifteen minutes after the disposition of the question in regard to the point of order. That question having been now disposed of, the gentleman from Virginia is recognized for fifteen minutes.

Mr. YOST resumed his remarks, begun on a previous day.

Mr. BURNES. I ask unanimous consent to return to different portions of the bill for the purpose of offering amendments.

The CHAIRMAN. The gentleman from Missouri [Mr. BURNES] asks unanimous consent to return to different portions of the bill for the purpose of offering amendments. The Chair will cause the amendments to be read, and then submit the question as to whether unanimous consent will be given. The Chair again requests members of the committee to resume their seats and to stop conversation.

Mr. BURNES. I ask unanimous consent that the amendments be reported.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the amendments may now be reported.

The Clerk read the same.

Mr. BURNES. I beg to offer this explanation to the committee. The parts that we propose to strike out of this bill have been taken care of in the sundry civil bill in conference, so that it is simply to strike them out of this bill in consequence of that fact.

The CHAIRMAN. Is there objection to this amendment at this time?

There was none, and the amendment was adopted.

Mr. BURNES. I now offer another amendment, which I send to the desk. The amendment was read and adopted.

Mr. BURNES. I also offer another amendment, which I send to the desk. The amendment was read, as follows :

Insert :

“ For support of United States prisoners, including necessary clothing and medical aid, and transportation to place of conviction, being for the service of the fiscal year 1887, \$25,000.”

Mr. CHAIRMAN. Is there objection ?

Mr. BURNES. I wish to say, Mr. Chairman, that the only object of this amendment is to remedy a defect in a provision which is now in the bill and has been passed upon by the committee. The gentleman from South Carolina [Mr. COTHRAN] submitted an amendment which was incorporated in the bill, but we have thought that the language of the amendment which has just been read would probably be more effective. It is intended to accomplish the same object as the existing provision. There is no change in the amount and no change in the purpose, and therefore I hope there will be no objection to this amendment.

The amendment was agreed to.

Mr. HOOKER. I propose to recommit this bill, with instructions, to the committee.

Mr. BURNES. I demand the previous question on the engrossment and third reading of the bill and amendments.

The SPEAKER. The Chair will state to the gentleman from Mississippi that after the previous question is ordered his motion will still be in order.

The previous question was ordered.

The amendments were agreed to in gross.

The SPEAKER. The question now is upon ordering the bill to be read a third time.

Mr. HOOKER. I move to recommit the bill, with instructions to report it back to the House, leaving out the fourth section, and to report back the subject-matter of the fourth section in a separate bill.

Mr. CRISP. Mr. Speaker, I raise the question of order on that motion.

Mr. BURNES. I make the point of order on that motion.

Mr. HOOKER addressed the House on the point of order.

Mr. BURNES. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BURNES. I ask whether, in the discussion of a point of order, the presiding officer is required to sit and hear criticisms upon other matters not by any possible chance involved in the question at issue.

Mr. SENEY. I hope the gentleman from Missouri will not insist upon his point of order.

Mr. BURNES. I do insist upon it, absolutely and unconditionally.

Mr. SENEY. I ask unanimous consent that the gentleman from Mississippi may be allowed to proceed.

Mr. BURNES. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BURNES. I submit that a motion to recommit, which this substantially is, is not debatable.

Mr. HOOKER. I think it is; I differ with the gentleman. I understand the Chair so holds.

The SPEAKER. The Chair thinks the motion is debatable, because the previous question has not been ordered upon the passage of the bill.

Mr. HOOKER. I will then proceed.

The motion of Mr. HOOKER to recommit was finally overruled by the Chair.

Mr. BURNES. I now demand the previous question on the passage of the bill.

The previous question was ordered; and, under the operation thereof, the bill was passed.

REMARKS ON A BILL FOR THE ESTABLISHMENT OF A UNITED STATES ORDNANCE FACTORY.

AUGUST 15, 1888.

Mr. SOWDEN. Mr. Chairman, the gentleman from Kentucky [Mr. BRECKINRIDGE] very aptly stated the case when he remarked that this was an entirely new proposition, and as such was amendable. We have presented to us in this bill a proposition to appropriate \$750,000 for the purchase and erection of a national foundry for the manufacture of guns, and a contest has sprung up as to where the plant should be located. My amendment provides for the establishment of this gun foundry at South Bethlehem, Pa. * * *

Mr. COX, I wish to occupy only one minute in calling attention to the remarks of the gentleman from Pennsylvania [Mr. DALZELL], who seems to think very lightly of the recommendation of the officers selected for the purpose of reporting upon this subject. The report of the Gun Foundry Board was published in 1884. I read from a part of the minutes of that board :

GUN FOUNDRY BOARD,
PHILADELPHIA, PA., WEDNESDAY, *November 21*, 1883.

* * *

The board then proceeded to consider the selection of two sites to be recommended for Government gun factories, and decided upon the Watervliet arsenal, West Troy, N. Y., for the purposes of the Army, and the Washington navy-yard, D. C., for the purposes of the Navy.

I submit that this ought to be conclusive with gentlemen who desire fair, just, and intelligent legislation.

Mr. BURNES. Mr. Chairman, if a foreign war shall come upon this country it will come like a stroke of lightning from whence, or striking nowhere, we cannot now form even an idea, much less a reasonable judgment as a basis for works of defense. It is just as likely to come against our Southern as against our Northern border ; against our Western as against our Eastern shores. Therefore, independent of every consideration of safety in the location of a public work like this, it seems to me exceedingly important that such an establishment should be located at a place from which easy access may be had in every direction, not only for the manufactured articles to be produced therein, but for a like ingress of the materials of which they are to be composed.

Mr. SOWDEN. And Bethlehem is just the place.

Mr. BURNES. I love the name you give, but it is one signifying peace and mercy rather than tumult or guns of war.

At Pittsburgh you have everything in the way of communication and transportation that can be demanded. If you wish to go southward to the Gulf coast, to the city of New Orleans, a place where Americans once made a memorable and victori-

ous stand, you can go by a half dozen different lines of railway and by a continuous line of navigable water way. If you wish to go to the great Northwest a dozen lines of railroad, the greatest and most powerful in the country, are at your command. If you should wish to enter Canada in the far West, the Ohio and Missouri rivers—through without change—are ever-ready servants of your transportation. The Upper Mississippi too is alike ready to carry your guns to the northward if your lines of railway should be destroyed, as might be the case. I am speaking with reference to a proper location of the proposed works. I look at it alone as a business proposition, in connection with which you propose to spend vast sums of the public money. I do not favor the expenditure. I am for private enterprise—free competition and open doors for American genius and free American labor. Sir, the great center of population in this country has been too long ignored and defied, not only in national works of industry, but in general appropriations, and as well in general legislation and governing policies.

Sir, the center of population will soon be in the very district now so ably represented by my colleague [Mr. DOCKERY] or in that represented by myself. It is not now upon this border, upon this eastern fringe of the Republic; but up and down this eastern coast, and mainly up, the power of government, the power of appropriation, the power of legislation, the power of politics, the power of finance, and the power in almost everything of a national character, except that of honest toil on the farm or in the shops, have been too long held with an iron grip, to the detriment of the great and growing power of the masses, which will some day assert itself, and the great central heart will refuse to permit itself to be used at will by the extremities, whose unreasonable greed is insatiate. That great heart will, sooner than you think, demand equality, demand perhaps the permanent seat of government. Then power of legislation and government, the fair play which, sooner or later, every American will have, will be found where the power of the people is, and that is certainly west of the Alleghany Mountains.

Mr. Chairman, a word as to Watervliet. Will you transport your raw material for great public works, national works, works for the public defense, to Watervliet, located, they tell us, on a single line of railroad, up the Hudson river, beyond Albany, near the Canadian border, or, I might say, too near to it for safety? Will you thus sequester the enterprise, away off in an obscure village, over mountains and rivers, and transport everything for hundreds of miles to and from it? Or will you establish your works at the point where God placed the material right at your door ready for the skilled hands and sturdy brain of trained and veteran workmen? Will you accept the wisdom of the great Creator and take this raw material where it lies in the bowels of the earth, and there, by the light and heat of His gas, manufacture it into what you want or have some poor fears you may want; or will you by adopting Watervliet take all this material over the mountains and up a single line of railway to an obscure and unnatural place of manufacture merely to be transported back in its manufactured form?

But it is said the military authorities have recommended Watervliet. Shall the American Congress, because a few military gentlemen who, by some inscrutable dispensation of Divine Providence, find themselves housed in the city of Washing-

ton in convenient and comfortable places rather than upon the broad fields of the whole country, where their services may be of some possible use, have said that the little town of West Troy was a proper place, abandon its judgment, its business sense, and ignore all the deposits and works of nature and of men?

Mr. Chairman, the amendment proposes Pittsburgh as the place for these works. It is proposed to expend an immense sum of money to fortify. One bill proposes in the course of a few years to expend fifteen to twenty millions, another proposes fifty millions, and still another \$126,000,000. What for? For any public purpose? For any good that can come out of it? In the name of justice and fair dealing, if this money is to be expended let it be for public purposes, for the good of all, and in a wise, economical, and business-like manner. If it is to be expended for a public purpose, let the public purpose be taken into consideration, and let the expenditure be dictated by common sense and by common reason, by the economies of business and the economies which come to us by experience. Do not, I pray you, let us be actuated by other considerations than would prompt the action of business men in the ordinary affairs of life.

Stay your gavel, Mr. Chairman, only a moment longer. If you are unwilling to locate this establishment at Pittsburgh, then give it to Liberty. Liberty is all my colleague has described, and it is near the center of our country, on the banks of a grand old river dividing the Republic in two parts.

Mr. TOWNSHEND. Oh, no; not exactly.

Mr. BURNES. Perhaps not precisely, but it is about midway between New Orleans and the Canadian border and near the center of the country, on a great water way that enables transportation in both directions, whilst railroads from Liberty run in every direction, very much unlike Watervliet.

Mr. TOWNSHEND. You have got too many of them.

Mr. BURNES. By no means. We want more and are getting them rapidly. Again I say if you do not give it to Pittsburgh, then give it to Liberty. [Applause.]

COMMENTS ON PRINTING GOVERNMENT SECURITIES.

AUGUST 29, 1888.

Mr. BURNES. I would not be betrayed into this debate but for the fact that it has been my duty, as a member of the Committee on Appropriations, to make rather a careful investigation of some of the subjects involved in this bill. I desire simply to call the attention of the committee to two propositions. First, the work done on the steam-presses is undoubtedly inferior work, and when done it is more readily counterfeited than the work done on the hand-presses by the skilled men in that branch of the public service. In proof of the proposition I refer to the Government Counterfeit Detector—official organ of the Treasury Department—where you find page after page devoted to exposures of new counterfeits of the silver certificates of every denomination and bank-notes of denominations of one dollar up to one thousand dollars. In this document, which I hold in my hand, are almost endless proofs that counterfeiting has become almost universal throughout the country, and that our people—especially those who handle but little money and are not familiar with the qualities of paper money—are suffering on every hand.

The skilled banker and the skilled men who handle great sums of money are not suffering in consequence of this class of work so much, perhaps, as the people who deal in small sums of money, and take it often without thought or power of self-protection. The working people and the poor people of the country are being imposed upon by these counterfeits which are now overflowing the country. For that reason I think it is right to discard, as far as can be possibly done, the use of the steam-presses and to resort to the old, time-honored hand-press, which gives American skill an opportunity to present to the country a sound circulating medium, and gives brains an opportunity to combat inanimate machinery for the safety and protection of sixty millions of free people. Besides, it will make the safety of our paper money issues no longer a contest between the machine and the criminal work of counterfeiters, but it will be a contest between intelligent skill and honest labor against the machine and criminal work of villains, in which the former will triumph, counterfeiting will become a lost art, and the increased skill of our workmen will be a pride of the Republic.

One other proposition. I have nothing to say as to the second section of the pending bill. I know nothing of the qualifications of the present incumbent, and it is not my business to know. I know something of the good judgment of the President, and am quite content to trust him to make appointments and removals and determine who is fit or unfit to be the Superintendent of the Bureau of Printing and Engraving; but I support this bill because the use of these steam-presses, under all the circumstances, is little less than an outrage. I do not care whether such use is a saving or a loss to the Government. It is enough for me that the work done

by them is unsafe and more easily counterfeited ; but, above all, the terms and conditions on which they are used are utterly abhorrent to every sense of justice, as I see it.

There is plenty of sworn testimony taken and printed as to which is the better of the disputed modes of doing the work.

There is scarcely a question as to the superior work of the **hand-presses** ; and it is not certain that the work thereon **costs any more** than when done by steam ; but, if it cost double as **much as** the latter, I would not hesitate a moment to drive these **steam-presses** (patented) out of the service of the Government, because of the extortion—the unreasonable demand of the patentees of such steam-presses. Let us consider it. These steam-presses are patented, and the proprietor of the patent charges the Government \$500 for the privilege of building each of these machines. Then the Government is required to take the patterns from the patentee, and for the use of these patterns \$400 additional are paid ; and the patterns must be returned immediately after the completion of each machine, so that this \$400 additional expended upon every machine goes, of course, into the pockets of the patentee. Now, there are \$900 paid on each machine, or rather for the right to build it. The Government, with \$900 paid for the privilege, builds the machine at a cost of \$1,250. Now, mark you, that machine, for the building of which the Government pays \$1,250 (and which does not then become the property of the Government), has cost the Government \$900 for the privilege of building. The extortion fails to stop there. After the machine is completed at the expense of the Government the Government pays to the patentees a royalty of \$1 a thousand for all the impressions that the machine makes. Upon a careful calculation we find that the patentee gets \$1,700—it may be a little more or a little less—every year for a machine which costs \$1,250 to build. Whether under this system we save a little money or not makes but little difference to me. I would not stand such an extortion if the revenues of the Government were made thereby ten times what they are.

[Here the hammer fell.]

Mr. GEAR. I would like to ask the gentleman from Missouri a question : What is the capacity of these presses ?

Mr. BURNES. From 3,000 to 4,000 impressions a day.

Mr. GEAR. What proportion of the bills or notes struck on these presses are damaged ?

Mr. BURNES. The testimony differs as to that, but it is undoubtedly a fact that the spoilage of paper—expensive paper, too—is a larger expense in the use of steam-presses than in the use of hand-presses.

REMARKS ON INTERNATIONAL BOUNDARY SURVEY BETWEEN
THE UNITED STATES AND MEXICO.

AUGUST 31, 1888.

Mr. LANHAM. Mr. Speaker, I would like to ask the gentleman in charge of this bill a question in regard to this amendment under the appropriation to complete the international boundary survey between the United States and Mexico. Can the gentleman inform the committee what portion of the boundary line between the United States and Mexico is contemplated in this provision?

Mr. FORNEY. My colleague, the gentleman from Missouri [Mr. BURNES], is familiar with that question, and can give the gentleman the information.

Mr. BURNES. In reply to the gentleman from Texas, I have to say, that this is a survey, or intended survey, of the boundary line between Mexico and the United States from the Rio Grande River west to the Pacific Ocean, and it is not, as many have supposed, a proposition to survey the line between Mexico and this country from Paso del Norte south or east to the Gulf of Mexico.

In 1882 there was a convention between the Government of Mexico and the Government of the United States, and by the terms of that convention a survey of the boundary between the United States and Mexico was to be made at the joint expense of the two governments, each paying one-half. Under that treaty a Mexican party and an American party, each from the army of their respective countries, by appointment, were to meet at Paso del Norte and pursue and mark the line from that point to the Pacific Ocean.

The Mexican party failed to put in an appearance until probably four or five days after the time appointed for the departure of the expedition. They then appeared at Paso del Norte, and were informed that the American party had gone on, and requested them to follow and join further along. For some reason they failed to join the American party, but the American party went through, marked and designated the boundary line, which was reported to the Forty-eighth Congress as entirely satisfactory to the Government of this country and to the Government of Mexico; but the Government of Mexico has never paid any part of the expense of this survey. A full and complete report of this survey or reconnaissance and its record were transmitted to the Forty-eighth Congress by the then Secretary of State, Mr. Frelinghuysen, and an appropriation something like \$400,000, or about that sum, was asked or estimated therefor.

It was urged by Congress that Mexico ought to supply one-half of the amount and this Government half, but the Department wanted the whole of the money. The House committee declined to appropriate the whole of the money, and advised the Secretary of State at that time to collect one-half of the money from Mexico, and then we would pay the other half. Nothing seems to have been done until the

Forty-ninth Congress, when \$100,000 were appropriated to pay our portion, or a part of our portion, of the expenditure. That money has never been used and never been paid out. It has remained up to date an idle appropriation.

With these facts before us, to appropriate \$100,000 additional would seem absurd, and in my judgment it is absurd to take any further step until, by a convention—now to be made, because the limitation of that convention, as to the performance of the work, has expired—the two nations have agreed to pay, and do pay, the money required for the contemplated work in the first treaty. For these reasons, because the line has been already agreed upon and marked, and because the Government of the United States has done its part of the original convention of 1882, and because the Government of Mexico has done nothing, it would be unbusiness-like, if not folly, for us to appropriate \$100,000 more. These are the reasons why we have resisted, and now resist, the Senate amendment.

Mr. LANHAM. Has it any reference to the line between Texas and Mexico, on the Rio Grande?

Mr. BURNES. None whatever. On the contrary, it is from the Rio Grande westward to the Pacific.

Mr. HENDERSON, of Iowa. Is not this appropriation recommended by the Department?

Mr. BURNES. It has not been recommended by the Department to this House, so far as I know. I presume it has been recommended by the Department, in some way, to the Senate.

Mr. HENDERSON, of Iowa. Has not \$100,000 been heretofore appropriated and not used because it was insufficient for the purpose sought?

Mr. BURNES. I do not know the reason why it was not used.

Mr. HENDERSON, of Iowa. I think it has been stated that they did not enter upon the expenditure of \$100,000 because it was insufficient for the end sought.

Mr. BURNES. Whatever the reason may be, I would state that we cannot do this now until there is a new treaty made, unless we desire to release Mexico from a share of the cost. By the terms of the convention of 1882 the completion of this work was limited, I think, to two years, possibly three, but the limitation has expired; and if we go on and do this work now, without a new convention, what assurance have we that the work will be satisfactory to or accepted by Mexico, and that Mexico will contribute under the provisions of the old treaty, which has expired?

Mr. HENDERSON, of Iowa. There has been no work entered upon at all.

Mr. BURNES. The work that was entered upon was paid for out of the Army appropriations because it was the work of a detachment of the Army. They marked the line. They pursued it from Paso del Norte to the Pacific Ocean, clear through.

Mr. HENDERSON, of Iowa. The Department has recommended this additional appropriation that the Senate have put on this bill. I merely called this to the attention of my colleague for information more than for any other reason.

Mr. BURNES. I will say to my friend and colleague that he may be right about it and I may be wrong; but there is no question in my mind with regard to

the necessity of a convention between the two governments before we can perform this work, unless we wish to pay for it all. In other words, if we do it now, Mexico will not be bound for its half of the cost unless they choose to pay it.

Mr. HENDERSON, of Iowa. I do not desire to antagonize the recommendations of the conference committee at all, but I understand that there is a region of country there of from 5 to 10 miles in width where people do not know whether they are under our Government or under another flag, and it is very important to have that question determined at an early day, so that our people can know with certainty whether they are buying land from the States or locating on the domain of another power. The importance of that consideration has impressed itself upon my mind; and while, as I have said, I do not desire to antagonize the recommendations of the conference committee, I believe this is a matter that ought to be pressed to a settlement without delay, so that the boundary lines of the United States shall be accurately and certainly defined.

Mr. LANHAM. * * * In a report by the Committee on Foreign Affairs at the present session of Congress I find this statement:

A survey of the boundary was made under the treaty, and the actual boundary was then what was the middle of the river. Since that time it has shifted its channels so often and so far—in some cases gradually, in others abruptly by cut-offs—that no man knows accurately where the boundary is to-day. The channel will sometimes move slowly, by accretion on one side and erosion on the other. Sometimes the stream will suddenly cut a new channel, abandoning the old ones altogether, and in a single day, by cut-off, a tract or a “banco” of 100 acres will be found on the other side of the river.

Mr. BURNES. My friend from Texas [Mr. LANHAM] is reading from a report which relates to the necessity of a survey from Paso del Norte to the Gulf.

Mr. LANHAM. That may be true; but what I desire was to ascertain whether or not the boundary between Texas and Mexico was contemplated by the Senate amendment.

Mr. BURNES. This says in express terms, “west of the Rio Grande.”

Mr. ADAMS. Will the gentleman allow a question?

Mr. BURNES. Certainly.

Mr. ADAMS. I understand that a convention was made, and that under that convention it was intended that two parties should join to lay out this line, but that our party did lay out the line, the other party being a few days late; but I understood the gentleman to say, after making that statement, that the line thus laid out was accepted, or acceptable to the Mexican Government. Is that correct?

Mr. BURNES. Yes, sir. The Mexican Government expressly assented to the survey or reconnaissance which was made by our party alone. They were satisfied to let our people go on by themselves, saying that the result would be satisfactory to their Government, and my information is that we were advised by the Department of State four or five years ago that Mexico was entirely satisfied with the work that had been done, notwithstanding the fact that her party did not pursue the line through.

Mr. ADAMS. It would follow, then, that the expenditure of this money would be mainly for the erection of monuments to mark the boundary. Is not that so?

Mr. BURNES. In answer to my friend from Illinois [Mr. ADAMS], and also in reply to my friend from Iowa [Mr. HENDERSON], who asked substantially the same question, I desire to say that monuments have been there for twenty or thirty years, probably not as fine monuments as "sixty millions of people" would desire, but monuments which serve all practical purposes, though perhaps they are not so numerous as they ought to be. All along the line there are monuments, but in the report of our party, which I have read, I found that they recommended certain additional monuments to be placed here, there, and elsewhere.

Mr. ADAMS. I did not mean that the money was to be used for the purpose of erecting more stately monuments, but rather for the purpose of completely defining and marking out the line established by the reconnaissance or survey to which the gentleman has referred, in order that, as the gentleman from Iowa [Mr. HENDERSON] has suggested, settlers should have no difficulty in determining on which side of the international line they were locating.

Mr. BURNES. There are monuments there, but it does not follow that a man can recognize the line at any particular point where he may happen to strike it. No man can find even the line of his own quarter section of land at every particular point. But within a given distance there are monuments now existing which were deemed sufficient to mark the boundary after the war with Mexico, and by following from one of those monuments to the other the line can always be defined.

When the location of one monument has been ascertained, or rather when two have been fixed so as to give the direction, any one can determine the boundary between the two countries on two or three hours' investigation. The boundary might not always be before a person rushing backward and forward across the imaginary boundary line, but he could pursue and find the boundary in a couple of hours anywhere.

Mr. ADAMS. Of course ; but if it is true, as the gentleman has said, that the reconnaissance is made, what remains to be done about that boundary line? And why did the gentleman say, as I understood him to-day, that something ought to be postponed until a further convention? What use for a further convention?

Mr. BURNES. Well, we have agreed with Mexico under the convention of 1882 ; and it seems to have been settled in the public mind and the Congressional mind that there ought to be some monuments marking this line, and that a considerable sum of money—estimated, I believe, as high as \$400,000—should be expended in placing these additional monuments along the line which has been pursued and marked. Now, if we undertake to carry out this plan, which has been agreed upon between the two governments, one-half of the expense of which is to be paid by each—if we undertake to do this without a new convention, the old one having expired, where is the obligation which will justify us in demanding of Mexico a repayment of one-half of the expenditure?

Mr. ADAMS. That is exactly what I wanted to have clearly brought out. If we make this appropriation and go on under it, we shall get all the benefit for which the work is done, except that we shall have paid more than our share ; and the object with which the gentleman would have action postponed until a further convention is not that we may get a better boundary line or better or more numer-

ous monuments on that boundary line, but that we shall be enabled to make Mexico pay a share of the expense.

Mr. BURNES. That is all there is in it. Allow me to say there never has been any dispute between Mexico and this country with regard to that boundary line. There is now no dispute between the two nations concerning it. The only question is whether by putting up more monuments we shall make it more distinct, more readily discernible for the benefit of our people and the Mexican people and for the sake of the good neighborhood which should exist between the two countries. To that policy we stand committed. But I say we should not go on carrying out that policy until Mexico has given her consent by some contract or assent.

Mr. ADAMS. And what the gentleman seeks to gain by postponing the advantages of a good boundary line, well marked out, is that we shall get a certain sum of money from Mexico to assist in paying the expense.

Mr. BURNES. So far as that is concerned, let me say this to my friend from Illinois: We are not going to perish from the face of the earth because we do not put up a few more monuments on this boundary line within a month or two, or because we do not put them up while the information in regard to the subject is certainly very incomplete and imperfect. As the matter stands at present, true business policy dictates that we should have a convention and settle this question with regard to the work, and then do it. I am perfectly willing to have it done.

But we can readily get those facts; the Secretary of State can furnish them, I have no doubt; and before doing so he will have time to perfect a contract, by treaty or otherwise, for the payment of the work. Hence, I say that the policy pursued by the House conferees in the conference on this question ought to be approved by the House.

OBJECTION TO THE REMOVAL OF THE BUREAU OF EDUCATION.

AUGUST 31, 1888.

SUGGESTED DURING THE CONSIDERATION OF THE SUNDRY CIVIL APPROPRIATION BILL.

Mr. BURNES. I make the motion that the House recede from its disagreement to the Senate amendment just reported.

Mr. CANNON. What is the amendment?

The Clerk read as follows :

To exempt the Bureau of Education from removal to the Pension building, as proposed by existing legislation.

Mr. BURNES. I make the motion in order to bring the question properly before the House; and I also desire to say that I am in favor of it. The Secretary of the Interior advises us that at this particular time it would result in great inconvenience, and, as his judgment has always been sound in these matters, I am in favor of receding.

Mr. CANNON. I only want to say a word about it. Legislation was had in the last Congress which provided that there should be placed in the Pension Office the Commissioner of Railroads and his office; the Commissioner of Education, with his office, and the General Land Office, with all the records and the clerks. The gentleman from——

Mr. BURNES. And the pension agent.

Mr. CANNON. And the pension agent besides. The gentleman who has led this House in connection with this legislation, so far as it was concerned, now upon his sick-bed [Mr. RANDALL], I know gave exhaustive consideration along with the subcommittee——

Mr. BURNES. I would remind my colleague that the distinguished gentleman from Pennsylvania [Mr. RANDALL] did not investigate this matter as thoroughly as the Secretary of the Interior, the gentleman from Massachusetts [Mr. LONG], the gentleman from Kansas [Mr. RYAN], and myself. We went through the Pension building and Bureau of Education, and the Secretary of the Interior was with us. We made a careful examination, and while we thought at the time, and while I still think, there is room enough for all these offices, yet the Commissioner of Pensions is very much opposed to it. He says it is taking room that he needs. The Secretary of the Interior is opposed to it and asks us to recede, believing it will cause a great deal of confusion; and he asks that for the present year at least we should not place the Bureau of Education in that building. In view of this request I think we ought not to move that bureau.

The question being taken, on the motion of Mr. BURNES, that the House recede from its disagreement to the Senate amendment, it was decided in the affirmative.

DEBATE ON SENATE AMENDMENTS TO THE DEFICIENCY
APPROPRIATION BILL.

SEPTEMBER 26, 1888.

Mr. BURNES. Mr. Speaker, I ask, by unanimous consent, and hope it will meet with the approval of the judgment of the House, to immediately non-concur in the Senate amendments, and request a conference on the disagreeing votes of the two Houses.

Mr. BLOUNT. Let me inquire of the gentleman from Missouri, in the first place, how many of these amendments there are, and, in the second place, whether any of them involve large sums of money?

Mr. BURNES. There are two items, I believe, which involve two or three hundred thousand dollars.

Mr. BLOUNT. Are they strictly deficiencies?

Mr. BURNES. I think the conferees can act on them as well as the committee itself, and particularly as it is difficult to get a quorum of the committee.

Mr. DUNN. I shall not object, but rise to ask a question. As I have not had an opportunity to examine the Senate amendments which have just been received by the House, I wish to ask the gentleman from Missouri whether they include an amendment creating a land office in what is known as the Public Land Strip, or No Man's Land?

Mr. BURNES. Yes; I think they do. I understand there is a provision attaching No Man's Land to the State of Kansas.

Mr. McMILLIN moved that the amendments be printed in the RECORD; and it was so ordered.

Mr. SPINOLA. I should like to ask the gentleman from Missouri whether it is not customary, on a proposition involving so many items as are included in the amendments of the Senate, to have those amendments printed and let them go over instead of referring them at once to a conference committee to be reported back in gross and then voted upon as a whole. Ought they not to be referred to the Committee on Appropriations and reported back with the recommendations of that committee before we are asked to act on them?

Mr. BURNES. I wish to say to my friend from New York, as one of the probable conferees on this bill, that I think I understand the wishes and temper of the House in regard to all these amendments. I think I understand the objection the gentleman from New York has to one of these propositions, and I assure him, so far as I am concerned, the matter shall have full and fair consideration. If any gentleman wishes to appeal to the House in reference to any matter, I think I can assure the House it will go to the House for consideration. Therefore the gentleman from New York will see that no possible injury can be done to any member.

Mr. McMILLIN. I made the motion to print the amendments in the RECORD so that members might have an opportunity to examine them before the committee of conference could make any report upon them.

Mr. BURNES. I move that the amendments be numbered, and that the bill and amendments be printed for the use of the House. That can be done by this evening or to-morrow morning, and every member can have a copy before him. I can assure the gentleman from New York and all others that they shall have opportunity for a fair hearing.

The SPEAKER *pro tempore*. Is there objection? There was none.

Mr. BURNES. I have also requested that the bill be printed and the amendments numbered.

The SPEAKER *pro tempore*. The Chair understands that request to have been also granted.

The Chair will appoint as conferees on the part of the House the gentleman from Missouri, Mr. BURNES, the gentleman from Texas, Mr. SAYERS, and the gentleman from Kansas, Mr. RYAN.

Mr. BURNES. I wish to submit a privileged report.

The SPEAKER *pro tempore*. The gentleman from Indiana calls up a privileged report.

Mr. HOLMAN. I will yield to the gentleman from Missouri.

RELIEF FOR YELLOW-FEVER INFECTED DISTRICT.

Mr. BURNES. I am instructed by the Committee on Appropriations to report back the Senate joint resolution No. 110 with an amendment thereof in the nature of a substitute.

Mr. DOUGHERTY. I will state to the House that the resolution presented by the gentleman from Missouri refers to the yellow-fever sufferers in the South, and I ask unanimous consent that it be read and considered now.

The SPEAKER *pro tempore*. The amendment in the nature of a substitute reported by the Committee on Appropriations will be read subject to the right of objection.

The Clerk read as follows:

Senate joint resolution 110, in aid of the sufferers from the yellow fever.

Strike out all after the enacting clause and insert: "That the sum of \$100,000 be, and the same hereby is, appropriated out of any money in the Treasury not otherwise appropriated, to be immediately available, to be expended in the discretion of the President of the United States in aid of State or municipal boards of health or otherwise to prevent the introduction of cholera or yellow fever into the United States from foreign countries, or into one State or Territory from another, or in the suppression of or preventing the spread of said diseases or either of them in infected districts."

The SPEAKER *pro tempore*. Is there objection to the present consideration of the resolution? There was no objection.

The amendment of the Committee on Appropriations was adopted.

The joint resolution as amended was ordered to a third reading, and it was accordingly read the third time and passed.

DEBATE ON CONFERENCE REPORT ON THE DEFICIENCY BILL.

OCTOBER 2, 1888.

JOINT RESOLUTION IN AID OF THE YELLOW-FEVER SUFFERERS.

Mr. BURNES. Mr. Speaker, I rise to present a privileged report.

The report was read.

Mr. BURNES. Mr. Speaker——

Mr. KILGORE. I ask the gentleman from Missouri to yield to me for a moment. If gentlemen have not chosen to pursue the proper rule to get this report before the House, then of course they must take the consequences, and my point of order goes to that question. It will be remembered that the Senate passed a joint resolution authorizing the President to expend \$100,000 for the relief of the yellow-fever sufferers. That resolution came to the House, but it was not considered by the House. On the contrary, the House refused to consider it. Subsequently a resolution entirely different in terms and for an entirely different purpose, appropriating \$100,000, did pass the House and was sent to the Senate.

Mr. BURNES. Mr. Speaker, my friend from Texas is in error as to the facts, and probably I had better correct him at this point.

Mr. KILGORE. I would rather the gentleman would wait until I get through.

Mr. BURNES. Perhaps you had better let me make a correct statement of the facts now.

Mr. KILGORE. Let me make my statement and then you can make yours.

Mr. BURNES. All right.

Mr. KILGORE. That resolution, I say, went to the Senate, and the Senate, on motion of Senator EDMUNDS, I believe, refused to concur in the House resolution and asked for a committee of conference.

Now, the point I desire to submit is that that was not an amendment to the Senate resolution. The Senate could, of course, reject the House resolution, but it was not competent for them to appoint a conference committee upon it, because it was not an amendment to the resolution passed by the Senate.

Mr. BURNES. My friend from Texas is in error simply with regard to his facts. I presume that his point of order would be good if his facts were good. The Senate resolution came over to the House and was referred to the Committee on Appropriations. The Committee on Appropriations, after considering the joint resolution sent here from the Senate, reported a resolution as a substitute, which was in the nature of an amendment to the original Senate resolution, and the substitute or the amendment—because it was nothing but an amendment of the joint resolution sent over here by the Senate—was considered in the House and passed, and was sent back to the Senate as an amendment to the Senate joint resolution. Hence the necessity for the conference.

Mr. ROGERS. Mr. Speaker, I rise to a parliamentary inquiry. Do I understand that the Senate non-concurred in the substitute adopted by the House and asked for a conference?

Mr. BURNES. Yes, sir.

The report was adopted.

DEBATE CONTINUED OCTOBER 5, 1888.

INVESTIGATION OF CONSTRUCTION OF THE WASHINGTON AQUEDUCT TUNNEL.

Mr. BURNES. Mr. Speaker, the amendment numbered 42 is a provision legislative in its character, extending the time provided by law for the completion of the aqueduct to supply water to the city of Washington. Pending the consideration of that amendment in conference, it was suggested that, instead of extending the time for the completion of the work, we should provide for a thorough, full, and complete investigation of all the facts concerning the entire work done under the War Department by the Corps of Engineers; so the Senate amendment was changed in conference to a provision simply to raise a committee, to consist of three Senators and three Members of the House, to be appointed by the respective presiding officers of the two Houses, to make the investigation. The condition in which the work now is, its character, and the conduct of all parties engaged in it, we think, should be rigidly investigated, including, of course, all the contracts that have been made, and reported to Congress by the 1st day of January next.

That is all we have done with regard to the aqueduct.

Mr. ROGERS. No appropriation whatever?

Mr. BURNES. Yes; an appropriation to pay the expense of the investigation—\$5,000.

Mr. ROGERS. But nothing further?

Mr. BURNES. Nothing further.

Mr. OATES. I do not understand whether this is to be investigated by a commission or by a committee.

Mr. BURNES. By a joint committee of Congress.

Mr. CHEADLE. Has the work been discontinued?

Mr. BURNES. I think not.

It is a well-known fact, Mr. Speaker, that the Congress of the United States and the department of the Government most interested in the control and management of this work have been fully and duly advised of the fact that the work needed careful executive attention and administration. It is not for me to say, nor do I believe, there will be found any material cause of complaint against the officials of the War Department—I mean the head of the War Department and the head of the Engineers—unless, indeed, they have been negligent or careless in regard to the administration of the law; but that wrongs unparalleled almost in public works have been allowed to be perpetrated, or perpetrated without observation on the part of those whose duty it is to observe, is beyond question. Therefore this investigation has been provided for. As giving information now that will be of service to

the public, and perhaps of service to every member on this floor, I will have read and published in the RECORD, as a part of my remarks, not only the facts and figures relating to the appropriations for the work, but all of the facts with reference to its continuance and completion as they have come to the Committee on Appropriations of this House, and I ask the Clerk to read from a report made by the committee on the urgent deficiency bill making the final appropriations.

Before that is read, however, I wish to say that, appropriations having been doubled beyond the estimates originally made, and there being still a demand for more money to complete the work, the Appropriations Committee determined to make a finish of it, and for that purpose called before the committee all the parties engaged in the work, or nearly all, and consulted them with reference to the estimates which had been submitted for its completion. The estimates were \$320,000. After a full examination and cross-examination and re-examination, the last dollar and the last cent that anybody asked for was \$355,000 to make the final completion of the work.

Mr. SAYERS. In that connection my colleague should state that we also had Major Lydecker before us.

Mr. BURNES. Yes, sir; Major Lydecker was before the committee.

Now, with reference to the time, it was provided in the law that this work should be finished by the 1st day of November. I find nothing on record with regard to the fact, and I can only bear personal testimony as to my own recollection, and as we were particular with regard to the final appropriation, so we were particular in giving more time than was demanded by any one in connection with the work, as I recollect. Therefore, to my mind, there is no justifiable reason in departing from or for extending the time for the completion.

I ask the Clerk to read from the report of the committee.

The Clerk read as directed. [The report is quite voluminous; hence it is not inserted.]

Mr. BURNES. Mr. Speaker, I ask the Clerk also to read a part of a supplemental report made by the committee at the same session of Congress on the same subject.

The Clerk read the same.

Mr. BURNES. In addition to what has been presented upon this subject by the committee, I desire to submit two letters just received—one from the Secretary of War and the other from the engineer in charge of the work, Major Lydecker. They are addressed to the chairman of the Committee on Appropriations, and have just been received. These letters will give the House the information in possession of the committee up to date.

The Clerk read as follows:

[The first letter merely acts as an introduction to the second and is not inserted.]

OFFICE OF THE WASHINGTON AQUEDUCT,
WASHINGTON, D. C., *October 2, 1888.*

SIR: The urgent deficiency act approved March 30, 1888, appropriated \$355,000 for the Washington aqueduct tunnel, and required all the work to be completed by November 1, 1888.

Under date of March 29, 1888, I reported to the Chief of Engineers that it would be absolutely

impossible to comply with this provision of law and stated the reasons in full. As soon as the bill became a law operations were resumed and every effort made on my part to force the contractors up to the greatest possible rate of progress; but, as is well known, the work is still far from completion.

As it is now apparent that it cannot be completed in the time specified, and as it is probable the accounting officers of the Treasury will decline to audit accounts for work done after that date, I respectfully request that the Appropriation Committees of the Senate and House of Representatives be informed of this matter, in order that some provision may be made that will enable the tunnel to be kept clear of water and the work continued, to insure completion as soon as possible, and especially to facilitate a most intelligent and exhaustive examination of all matters relating to work on the tunnel and to its management. Such examination I most earnestly desire, in view of the representations recently made in Congress and in the public press.

In connection with this matter I may properly add that we have heretofore discovered defective work in the tunnel lining, and at once caused it to be made good by the contractors. The rigid examination now in progress has developed some large holes, but such as are already shown up can be made perfectly good at a cost of not more than \$5,000, while the sum now due the contractors and withheld to insure proper work is more than ten times that amount. Further, they are under heavy bonds to make good all defective work now known or that may be developed by the examination in progress.

Finally, there need be no delay in the time of completing the work due to any known defects or such as are likely to be developed.

Very respectfully, your obedient servant,

G. J. LYDECKER,
Major of Engineers.

The CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C.

Mr. BURNES. This, Mr. Speaker, is all I have to submit with regard to the proposition under consideration.

Mr. ROGERS. Pardon me a moment. What amount of money now is at the disposition of the contractors to go on with the work?

Mr. BURNES. I do not know the amount now unexpended, but have not heard from any quarter that there was an insufficiency of money to complete the work.

Mr. ROGERS. There is no stoppage of the work at all?

Mr. BURNES. There is no stoppage of the work unless after the 1st of November a question as to whether payments can be made for work after the time fixed by law for its completion.

Mr. ROGERS. Does not the conference report provide that the time shall be extended from the 1st of November until next June?

Mr. BURNES. No, sir. There is no extension at all. The law now provides that the work shall be completed by the 1st day of November, 1888, and I do not know, but I presume that these contractors are under bonds, with a penalty, for its completion by that time.

Mr. ROGERS. Will the gentleman state whether or not Major Lydecker is still in control of this work?

Mr. BURNES. Undoubtedly he is; and perhaps I ought to say that he seems now to be taking some interest in it. [Laughter.]

Mr. DINGLEY. That is a very pleasant announcement.

Mr. ROGERS. I wish to ask the gentleman from Missouri [Mr. BURNES] upon

whose testimony it was that the report was made reflecting so severely upon Captain Hoxie. Who were the witnesses?

Mr. BURNES. I will say to my friend from Arkansas that it would be impossible for me to tell now exactly, with certainty, who the witnesses were, or what were the sources of the information upon which the report was based.

Mr. ROGERS. Was Major Lydecker one of them?

Mr. BURNES. He was before us, and gave his views freely.

Mr. ROGERS. Was he one of the witnesses?

Mr. BURNES. He was before us, but I cannot say he was there in the capacity of a witness.

Mr. ROGERS. I hope the committee will now give Captain Hoxie a shot at him. [Laughter.]

Mr. BURNES. Well, I will say that I hope the Government of the United States will so profit by these lessons that no contract for any public work shall be hereafter sublet by the contractor. These contractors have perhaps done no more with reference to this work than to sublet it and profit by the margin between the contract price and that at which it is done by the actual workmen. They took the contract and sublet it for the margins they could make. They have taken the place of the Government, and let the work to the men who are actually doing it, and although it may be said that they are responsible upon their bond, yet, on the other hand, penalties in bonds of this character are most generally valueless. Every sort of claim to defeat a recovery is usually made, and too often with success. If the contractor of a public work were required actually to perform it with his own employés, he could not escape responsibility for neglect or fraud which his system of subletting almost invariably causes. As it is, he makes his gain, the subcontractor is generally the loser, and upon his head the odium is cast, when it rightfully attaches to his principal.

I sympathize with the suggestion of my friend from Arkansas [Mr. ROGERS], and I hope this committee which is to be raised will give Captain Hoxie an opportunity of presenting his side of the case.

Mr. CLEMENTS. Before the gentleman from Missouri leaves this subject I ask him to yield to me to have read from the desk some charges and statements that have been made in the public press in regard to the letting of this contract.

Mr. BURNES. I yield to my colleague on the committee all the time he desires. The statements were read.

Mr. CLEMENTS. Now, I desire to ask the gentleman from Missouri whether the clause in the bill providing for an investigation authorizes an investigation of the manner of letting the contract as well as of the manner of conducting the work?

Mr. BURNES. It is the opinion of all the conferees that it does.

Mr. RYAN. I desire to ask my colleague on the committee [Mr. BURNES] whether this work is being prosecuted now under the original contract or under a subsequent contract?

Mr. BURNES. In reply to my friend from Kansas [Mr. RYAN] it is proper to state that at some time prior to the appropriation of \$355,000 the work had been

suspended, and my impression is that that state of suspension had continued for a year or more, and that the contract had been practically forfeited. At all events, I believe there was no obligation upon the part of the Government to resume work under that contract, and in consequence of that it was provided in the law of the urgent deficiency bill that the Secretary of War might let the work of completing the contract to the original contractors or to anybody else, at his discretion.

Mr. SAYERS. Was it not also thought that inasmuch as the contractors had their plant already there they might be able to do the work more cheaply than new contractors?

Mr. BURNES. The old contractors having their tools and their plant, it was deemed probable that they could afford to make a lower bid for the work than anybody else, but we could not do better than give to the Secretary of War the power to receive bids and let the work in his best discretion.

Mr. ROGERS. Does the gentleman mean to say that the original contractors had forfeited their contract?

Mr. BURNES. I have never examined that matter, but that was the understanding on the part of our committee. The contract was at an end at the election of the War Department. At least no other suggestion was made, no other impression existed, so far as I know. Consequently we inserted in the bill the provision as stated, authorizing the Secretary of War to let the finishing contract at his discretion—

Mr. ROGERS. Did not the contractors give bonds for the execution of their contract?

Mr. BURNES. I presume so, but have not seen them. If this last contract were let without bond it is to be regretted, but at present I cannot say what security the Secretary has reserved.

Mr. ROGERS. Has the committee called for them?

Mr. BURNES. The committee called only for papers bearing upon the work—its progress, character, and cost.

Mr. ROGERS. Will the gentleman state whether or not the inception of this work was prior to his connection with the Appropriations Committee?

Mr. BURNES. Oh, yes; several years before.

Mr. ROGERS. Then the committee, so far as the gentleman is concerned, is not responsible for the original contracts which were entered into?

Mr. BURNES. Not at all; nor was the committee or any member of it at any time responsible for the original contracts. They were the administrative features of the enterprise.

Mr. ROGERS. How long since this work began?

Mr. BURNES. I think it began in 1878.

Mr. ROGERS. Now, will the gentleman state whether or not the Committee on Appropriations, when they reported the provision authorizing the letting of the second contract, considered the question whether we were thereby releasing the original contractors from the performance of the work?

Mr. BURNES. There was no possible release of those contractors; and I will state to the gentleman that it was submitted to the committee that a percentage of

work done and materials furnished was retained by the Government that would be good security and would cover all possible damages. It was also represented to us that these contractors had made a claim (which Major Lydecker, however, refused to recognize) for a very large amount of extra work ; but this claim could give the Government no security for probable impending losses, as the justice of the claim is positively denied, and in the present condition of the work, as we understand it, the contractors have no right to any compensation.

Mr. ROGERS. Will the gentleman state whether the amendment embraced in this report is broad enough to authorize an inquiry into the original contract, including the question I have suggested touching the release and the reletting ?

Mr. BURNES. The gentleman is so much better qualified than myself to speak as to a legal proposition that in his presence I dislike to express a positive opinion ; yet it seems to me the provision reported is sufficient.

Mr. ROGERS. I appreciate the courtesy and the compliments of the gentleman, but I did not hear that part of the conference report read, and am simply seeking information, in the hope that if we go into this investigation (which seems to be foreordained and absolutely necessary) it shall be complete, and that we may fix the responsibility wherever it should properly fall. Perhaps it would be well to have that part of the report again read.

Mr. BURNES. I think it would be.

Mr. WHEELER. Would it not be best to let this matter go over until to-morrow, so that we may in the meanwhile give it further examination ?

Mr. BURNES. Oh, no ; not at all.

Mr. ROGERS. I hope the gentleman from Missouri will allow the Clerk to read again that part of this report which relates to the investigation of the aqueduct in Washington City. We desire to hear the precise language.

The Clerk read as follows :

That all work heretofore performed upon the Washington aqueduct tunnel, together with the provisions of any contract made for the same or any portion thereof, shall forthwith be fully investigated by a joint select committee of six members; of whom three shall be members of the Senate, to be appointed by the President of the Senate, and three shall be members of the House of Representatives, to be appointed by the Speaker. Said committee shall have authority to employ a clerk and stenographer and such experts as it may deem necessary for the investigation. It may sit during the session of Congress or in recess, and shall have full power, either in full committee or subcommittee, to administer oaths and send for persons and papers and to conduct its investigation either in Washington or in such places as may be deemed necessary. It shall make full report of its proceedings and the conclusions arrived at, with such recommendations as it may deem proper, to Congress on or before January 1, 1889 ; and for these purposes the sum of \$5,000, or so much thereof as may be necessary, is hereby appropriated, to be disbursed on vouchers approved by said committee.

Mr. ROGERS. The committee is authorized to investigate into the work under any contract heretofore made, but there might perhaps be controversy whether the use of the word "work" would authorize the committee to examine into the method of letting these contracts. To my mind, with the evidence we have now before us, the letting of the contract to the present contractors is a matter which should be very carefully inquired into.

Mr. BURNES. I will say, in reply to the gentleman from Arkansas, there is but one mind, as I understand it, in the House, and that is that the investigation should be full and complete, and should cover the letting of all contracts, as well as the work done and the character of that work and the conduct of those connected with it, officially or otherwise.

Mr. ROGERS. I do not think the gentleman has observed the full force of the suggestion I make. It is manifest the organization of this committee is unusual. The committee is to be composed of three Senators and three Members—six in all. Suppose the committee should divide equally on the question as to the proper construction of the amendment, who would decide?

Mr. BURNES. I am advised by others better informed than myself in reference to these matters that this is the usual method in reference to the appointment of joint committees of the two Houses.

Mr. ROGERS. The committee might find itself divided equally, three on one side and three on the other. Who then shall decide?

The SPEAKER. The hour of the gentleman from Missouri has expired.

Mr. ROGERS. I will yield the floor to the gentleman from Missouri [Mr. BURNES].

Mr. BURNES. I thank my friend from Arkansas, to whom I would say, in answer to his inquiries with regard to the matter, that at the time the last appropriation was reported there was no question raised—no thought and no suspicion of fraud or fraudulent practices, either in the War Department or before Congress. Late revelations have come upon us entirely without previous notice or warning. We were prepared for the great expenditures, but we did not anticipate the carelessness and indifference of engineers in charge of the work, and by which the frauds reported were made possible.

Mr. ROGERS. But my friend from Missouri will observe that in ordering an investigation upon a matter of such importance as the one here involved the scope of the authority conferred upon the committee should be so full and complete as to enable an intelligent and faithful report to be submitted to Congress; but I will not take time to repeat the statement I have already made touching the limited scope of the amendment. I think there should be no question as to the language of the amendment. It is now limited merely to the performance of the work under the contract without reference to the letting of the contract. I believe my friend from Missouri would act wisely, and the circumstances would justify him, in allowing the matter to go back to the committee for further consideration as to whether the language of the amendment does cover all that is intended to be covered in the investigation.

Mr. BURNES. I am willing to do that.

Mr. ROGERS. Does the gentleman prefer that I should make the motion or that he should make it?

Mr. BURNES. I understand we cannot have a separate vote on each one of these propositions, but the conferees can get by discussions an understanding of what the wish and will of the House is, which it is our desire to carry out.

[When the conference report was finally voted upon this amendment was adopted.]

BELL TELEPHONE ATTORNEY.

Mr. SOWDEN. Will the gentleman yield to me for a question?

Mr. BURNES. Certainly.

Mr. SOWDEN. I understand amendment 107 as modified includes the claim of one of the Bell telephone attorneys, named Grosvenor Lowrey, for \$911.20. I should like to know just exactly what the status of the matter is, and the difference between the original amount and the sum agreed upon in the modified agreement.

Mr. BURNES. The amendment to which the gentleman from Pennsylvania alludes was placed upon the bill in conference, on the faith of a paper presented from the Department of Justice, showing certain balances due to certain assistant district attorneys in South Carolina, and perhaps in other States. They were regularly certified by the Department, and we appropriated for them because of that certification.

Mr. SOWDEN. I would like to know whether the sum of \$911.20, an alleged deficiency or balance claimed by Grosvenor Lowrey, a special counsel in the Bell telephone cases, is included in the sum of \$14,957.72 provided for in this amendment?

Mr. BURNES. Yes, sir. I see in this list furnished from the Department of Justice the following:

Fees of district attorneys of the United States courts, etc.

And among the names that of Grosvenor Lowrey, of Massachusetts, appears for \$911.20.

Mr. SOWDEN. Is that included in the \$14,957.72?

Mr. BURNES. Yes, sir. That sum was added to the amount of the bill.

Mr. SOWDEN. Does not the gentleman know that there is a protest pending against the payment of this additional allowance to this attorney on the ground that he had charged exorbitantly and extortionately for his services?

Mr. BURNES. I have heard a good deal of criticism upon some attorney for charges for expenses, etc., but I was not aware that this item of \$911.20 had relation to that individual, but it is blended with other items, and the gentleman from Pennsylvania may be correct in his statement. I do not know. I never heard of any protest against it. It came to us duly certified by the acting Attorney-General.

Mr. SOWDEN. Does not the gentleman know that this man Lowrey charged at the rate of \$15 an hour to study up and acquaint himself with the intricacies of the law involved in the question he was called upon to assist in trying, and that he not only charged that, but charged \$100 a day, too, while traveling from New York to Cincinnati and return, and charged while there actually engaged in the service of the Government \$500 for his services and \$171 more for traveling expenses there and back, not including a board bill of \$70, and \$100 for each day detained there? In view of these facts I would like to know why it is that this sum of \$911.20 is included in this amendment or modified agreement on the part of the conference committee, which covers the sum of \$14,957.72.

Mr. BURNES. I think if the gentleman will look at the report from the Depart-

ment of Justice upon which this appropriation is made he will find that it is sent to us by William A. Maury, acting Attorney-General ; but I did not stop to inquire whether Mr. Maury or Mr. Jenks or Mr. Garland signed it. I took it for granted that in the auditing of this \$911.20 the Department of Justice had followed the law, and that there was no question about what was due. Surely the gentleman from Pennsylvania is mistaken in his statement of the extraordinary amount charged for by the hour. The Department of Justice would not audit such a claim.

Mr. SOWDEN. I think under these circumstances the House should never consent to the allowance of this additional claim made by this attorney, and I hope that the report, if it goes back to the conference, will be considered with a view to striking it out. I hope it will be excluded.

Mr. BURNES. I have no objection to giving the matter more thorough consideration. I know nothing of the merits or demerits of the claim.

Mr. SOWDEN. I have examined it very carefully.

Mr. BURNES. I have heard rumors of charges and extra charges and exorbitant charges in this connection, but I know nothing personally of the facts. The Department of Justice audits and certifies the claim or allowance in an official communication, and I trust such a claim as the gentleman describes would not receive such a high indorsement.

Mr. SOWDEN. If the matter goes into conference again I hope the question will be considered ; and the suggestion is therefore submitted for that purpose.

Mr. BURNES. I will look into it.

Mr. DUNN. I desire to ask the gentleman from Missouri as to the disposition of the amendment numbered, I think, 231 ?

PAYMENT TO THE WIDOW OF CHIEF JUSTICE WAITE BALANCE OF HER HUSBAND'S SALARY.

Mr. BURNES. We will reach that in a moment.

The next proposition to which I wish to call the attention of the House is to the proposition made by the Senate amendment to pay to the widow of Chief Justice Waite \$8,745, being the balance of his salary for one year, in consideration of the eminent services of the late Chief Justice. I can say that the House conferees had and have all the sympathy for the surviving members of that family that the conferees on the part of the Senate have, and that they share with the conferees on the part of the Senate equally in respect for this great man who is gone. We submitted a proposition to them that they might consult their own Judiciary Committee, and if that committee would say there was any precedent for it in all of the past we would recommend to the House concurrence in the amendment.

The chairman of the Judiciary Committee came before us and frankly admitted that there was no such precedent ; that Ellsworth and Marshall and Taney and Chase all died leaving families in circumstances needing assistance, and yet that no such proposition as this was ever even submitted to Congress.

Mr. CATCHINGS. Congress has never refused to make such an appropriation, but had not been asked.

Mr. BURNES. No such proposition as this was ever before made to Congress in

behalf of any one of the predecessors of Chief Justice Waite ; nor has any proposition been made in behalf of any of these widows or orphans of associate justices, or of the circuit judges or district judges ; and I see no reason why a judge even of a lower court than the Supreme Court might not be entitled under our system of government to the same consideration that is given to the Chief Justice. That is all I care to say. We could not recognize this principle. I would be as much gratified to take money to give it for the help of these worthy people as anybody else ; but we feel that it is not within our power, nor in accordance with the limitations placed upon us, as well by the Constitution as by the public sentiment of the country, to use the public money in such a way.

The next proposition is one with regard to an indefinite appropriation of a year's salary to the widow and children of a man in Jacksonville, Fla., an employé of the Government in the collector's office, who died of yellow fever and left a widow and children in destitute circumstances. Again our charity was appealed to with that sentimentality which seems to be the highest law in another body of legislators. We find no justification for such an appropriation, nor for the persistency with which it has been insisted upon elsewhere. The Casabianca plea is urged in support of this amendment. It is said he stood on the burning deck when all but him had fled. It seems to me too absurd for discussion.

Mr. SENEY. What is the amount ?

Mr. BURNES. It is an indefinite amount. It is one year's salary.

Mr. SOWDEN. I desire now, as my friend from Alabama [Mr. OATES] is in his seat, to ask him in reference to the claim of Lowrey of \$911 and some cents, whether the acting Attorney-General did not protest against its payment ?

Mr. OATES. Mr. Speaker, all I know about the matter is that I had a conversation with Solicitor-General Jenks, who is acting Attorney-General in this case, and I know he stated that on account of the amount of the charges this attorney rendered he severed or discontinued the contract that had been made with him.

PUBLIC LAND STRIP.

Mr. BURNES. Mr. Speaker, I would next call attention to the last amendment to the bill, not, however, the last to be considered. That is the amendment No. 231, in regard to the Public Land Strip. The amendment makes no appropriation, and is an admitted attempt at legislation on an appropriation bill, in the face of the express rules of the Senate and of this House. If we are to recognize the continuance of this pretended right on the part of the Senate to put upon appropriation bills, which must originate in this House, any kind of amendment they please, whether it is relative to an appropriation or to administration, it will not be long until such bills will be loaded with all the legislative propositions pending in that body, because it is a much easier method of legislation than can be had by a fair observance of well-settled principles and policies of legislation. That is one objection to this proposition. Another objection, sir, is that it undertakes to disregard the principle of allowing the people of a community, as far as possible, to govern themselves.

These people in this Public Land Strip have expressly desired to have a territorial organization ; and as a last resort, if that be denied them, they do not desire, as I understand, to have the laws over them administered from the State of Kansas. Kansas is my neighbor, and Kansas people are generally my friends and acquaintances. I do not desire to say that this feeling of the people in that territory against Kansas is right or wrong, but my information is that it is intensely hostile to the proposition to be annexed to Kansas for any purpose ; and in the Public Land Strip there is an uneasiness with regard to the disposition of the lands, including town sites. It has been said that there are schemes and plots and counterplots in Kansas, on the border, and elsewhere, that cause that uneasiness. It may be that that feeling of uneasiness is without proper cause, but as it exists and the people have asked for a different jurisdiction over them, I think the amendment should be resisted.

I say this without any disrespect to the State of Kansas, whose laws, I presume, are about as good as the laws of any other State, unless it be Missouri. [Laughter.]

Mr. RYAN. I will say to the gentleman that this proposition does not extend the laws of the State of Kansas over the Public Land Strip at all. It simply extends the laws of the United States for the punishment of public offenses over this strip and attaches it to the Federal judiciary of Kansas for administration.

Mr. BURNES. Of course. But Kansas officials are put over them, and practically to them the result is the same.

The United States judges of Kansas, in the administration of the laws you place in operation in this Strip, are, in the minds of the people there, a part of Kansas—Kansas laws and institutions. They may be unreasonable, but they want something else. They seek, first, local self-government ; and, secondly, a connection, if local self-government is not attainable, with the State of Colorado.

Mr. PETERS addressed the House, followed by Mr. MANSUR.

Mr. BURNES. I am quite satisfied, Mr. Speaker, that further discussion on this item would be a useless consumption of time, in view of the assurances of gentlemen of known character and integrity as to their views upon it, and I will therefore pass from it and call attention to the next provision, which is amendment numbered 41. This is a proposition to appropriate \$2,500 to employ a certain counsel in the case of Samuel Strong, I believe, against the District of Columbia. The conferees have not agreed with regard to it, simply because they could not understand exactly what they should do, but probably mainly because of certain public assurances which were given by the conferees to the distinguished gentleman from New York [Mr. SPINOLA]. For the purpose, therefore, of redeeming the promises and assurances made to him, as we had to report a disagreement anyway, we have therefore brought that provision back as a subject of disagreement, although I think—in fact I know—that the conferees on the part of the House and Senate could have agreed upon a proper settlement of the amendment. But, for the purpose of giving the gentleman from New York an opportunity of explaining his position and views upon the subject, it is here on a disagreement, and I yield to him now so much time as he may desire.

Mr. SPINOLA addressed the House.

Mr. BURNES. The conferees on the part of the Senate and House, it is due I

should say, have been considerably exercised over this matter. This litigation between the District of Columbia and Mr. Strong, or rather by Mr. Strong against the District of Columbia, has been running on here, as alleged, for fifteen years in civil suits, one of which lasted here about three months.

Mr. SPINOLA. For seventy-nine working days.

Mr. BURNES. For seventy-nine working days, as stated by the gentleman from New York. While the case was in that condition and while the counsel for the District of Columbia were confident that they were in the right, as we are advised, a resolution passed through the Senate providing for an extraordinary tribunal for the termination of this lawsuit. The resolution declared that this litigation should be taken out of court, taken away from the right of appeal to the Supreme Court, and committed to arbitrators to be appointed by the President of the United States. This resolution, thus passed through the Senate, was passed in some way through the House.

I doubt if any gentleman present can recollect the circumstances of its passage. Nevertheless it became law. A week or ten days ago the arbitrators were appointed, but before they were appointed the conferees in conference regarded the situation as somewhat grave and serious, and concluded that the attorney who had made this case his special study and who had been in it from the commencement should be retained—what his name is I do not now remember. The District Commissioners thought so. We thought so. We thought the best we could do in defense of the rights of the District of Columbia was at least to appropriate a suitable sum to employ the attorney who, of all others, was best qualified to try the case before the arbitrators. Before we had reached any determination the distinguished gentleman from New York [Mr. SPINOLA] informed us that the arbitrators had met, heard the case, and adjourned, and had directed briefs to be forwarded to them.

Now, that is the situation. The amount involved is generally believed to be a half million dollars. A claim amounting to half a million of dollars that has been in the court for fifteen years is, it is said, thus unceremoniously and speedily disposed of, without the aid and assistance, so far as the District is concerned, of the attorney who knows most about it. Notwithstanding its adjournment and notwithstanding what my friend from New York says, I think that this lawyer ought to be retained, and that he ought to pursue these arbitrators, if necessary, to their homes, either individually or collectively, and get before them the rights of the District of Columbia as against the plaintiff, Mr. Strong.

Mr. ROGERS. Will the gentleman tell me what he means by the arbitrators adjourning?

Mr. BURNES. I have just stated what the gentleman from New York [Mr. SPINOLA] has said on that subject. I know nothing in the world in regard to it, except what the gentleman has stated. I understand from the gentleman from New York that these arbitrators, appointed probably a week or ten days ago, have already had a meeting in the city, have had before them some one representing the city and some one representing Mr. Strong; that they have had some sort of hearing and have adjourned, gone to their homes, and requested those having briefs to file to send them to them at their homes.

Mr. ROGERS. A board of arbitration is simply a court, and until the award is made and the board of arbitration is dissolved there is no reason why briefs cannot be presented or any other matter pertinent to the matter under arbitration, and the fact that they have adjourned and gone home cannot cut the Government out from a hearing.

Mr. BURNES. I think not, and for that reason I suggest that this provision ought to be made. I hope my friend from New York [Mr. SPINOLA] will be perfectly willing, in that spirit of fairness which has always characterized him, to allow this provision to be made for the payment of this lawyer, who is the only one thoroughly acquainted with the case. I trust he will interpose no opposition. If this provision is not made I have information which leads me to believe that the conferees on both sides will agree to report a provision repealing the joint resolution creating this board of arbitration.

Mr. SPINOLA continued to address the House.

Mr. BURNES. I now desire to call up the amendment making an appropriation for Chinese indemnity.

The SPEAKER. Does the gentleman desire to have the amendment read?

Mr. BURNES. No, sir. I call it up at the instance of the gentleman from California [Mr. McKENNA]—not that I care to have it considered particularly, but to give him the opportunity to be heard upon it.

Mr. McKENNA. What does the gentleman mean by saying that he does not care to have the amendment considered?

Mr. BURNES. I mean that the conferees are practically agreed with regard to it, and unless some gentleman desires to show we are in error, and does it, we are likely to adhere to our action.

* * *

Mr. BURNES. The next proposition will extend beyond 5 o'clock, and therefore, with a single remark on this Chinese amendment, I think I shall move an adjournment. The conferees were not inclined to make this appropriation until the receipt of the President's message, but after the suggestion of the President and the further suggestion on the part of the State Department both sides agreed to the amendment. We would like to have the opinion and the judgment of the House, as I am sure neither side is quite clear or decided whether this appropriation should now be made or not.

It will be remembered that in the treaty just rejected by China there was a provision which, while it denied the validity of the claims, contained a proposition to pay them \$276,274. The rejection of that treaty by China leaves the subject of this payment a liability denied by suggestion, in the treaty, but appropriated for, notwithstanding the rejection of the treaty. We have agreed to this appropriation, but we ask the judgment of the House. We are desirous of knowing the extent of the objection to this appropriation. I now move the House adjourn.

The motion was agreed to, and the House adjourned.

DEBATE CONTINUED OCTOBER 4, 1888.

Mr. BURNES. As a matter of privilege, I ask for the further consideration of the report of the committee of conference on the general deficiency bill.

Mr. WHITTHORNE. Will the gentleman yield to me for one moment?

The SPEAKER. The gentleman from Texas [Mr. KILGORE] has demanded the regular order.

Mr. BURNES. I ask the Clerk to read amendments 112 and 113.

The Clerk read as follows :

To further aid the Industrial Christian Home Association of Utah Territory, under its articles of incorporation, in the establishment and maintenance of an industrial and educational institution in Salt Lake City for the benefit of the dependent women and children of Utah and Idaho Territories who desire to sever their allegiance to the Mormon Church, \$75,000, and for contingent expenses of the association, \$5,000; in all, \$80,000. * * *

Mr. ROGERS. Will the gentleman from Missouri yield to me a moment for a suggestion? Reverting to the aqueduct investigation here, in view of the fact that this conference report will go back to the committee of conference, it has occurred to me since that matter was up here yesterday that if there were any doubt at all about the resolution as it now stands being broad enough in its scope to authorize the committee to have engineers from civil life employed to make further investigation into the character of the work, it ought to be made sufficiently broad to accomplish that purpose, because in a matter of so much importance, involving a couple of million of dollars—it will probably involve that amount before we get through with it—and where the derelictions seem to lie at the door of the Engineer Department of the Government it may not be safe for the committee to rely exclusively upon investigations made by that department.

Mr. BURNES. I think the resolution is broad enough to cover the suggestion of the gentleman from Arkansas. That part of the resolution which provides that the committee shall have power to employ experts would, I think, cover the point.

Mr. ROGERS. If so, of course my suggestion is not necessary.

Mr. BURNES. But the committee will consider the matter carefully and thoroughly. The object of the committee—and if we do not accomplish it we shall fail only in ability—is to have a full and thorough investigation, so that all the information upon the subject that can possibly be of any value may be obtained and communicated to the House; but if the resolution shall be found insufficient it will be enlarged in conference.

SPEECH ON UTAH INDUSTRIAL CHRISTIAN HOME.

OCTOBER 4, 1888.

[CONTINUATION OF CONFERENCE REPORT DEBATE.]

Mr. BURNES. Mr. Speaker, the Senate amendments which have just been read are to my mind exceedingly——

Mr. ROGERS. Novel.

Mr. BURNES. I was about to say ridiculous. It is difficult to select a proper word to describe them. They are, thanks to my friend from Arkansas, most novel, unique, unparalleled, and unprecedented. They do not express a high order of business judgment or discretion, nor that practical common sense which we usually expect from a Congressman, even if he serves elsewhere than in this House.

I wish to call particular attention to the language of these amendments. The first proposition is that \$80,000, including \$5,000 for contingent expenses, shall now be appropriated and placed in the hands of the treasurer of the Industrial Christian Home Association of Utah Territory to further aid that institution, under its articles of incorporation, in the establishment and maintenance of an industrial and educational institution in Salt Lake City for the benefit of the dependent women and children of Utah and Idaho Territories who desire to "sever their allegiance to the Mormon Church."

The second amendment provides, substantially, that this money shall be used by this private corporation, without limitation or restriction, upon a mere sentimentality which underlies the whole proposition.

In order to have before the House all the law bearing upon the subject, I will commence with the commencement.

The first provision with regard to the matter will be found in the sundry civil appropriation bill for the year ending June 30, 1887. It was an amendment put upon that bill by the Senate (and in the conference the House was compelled to yield, or did yield, to it at the time), and was intended merely to aid in the support of indigent women and children whom the rigors of Federal laws against polygamy had made homeless and husbandless and fatherless. It is as follows:

INDUSTRIAL HOME IN UTAH TERRITORY.

That is not the name of the private corporation now figuring in our deliberations.

To aid in the establishment of an industrial home in the Territory of Utah to provide employment and means of self-support for the dependent women who renounce polygamy, and the children of such women, of tender age, in said Territory, with a view to aid in the suppression of polygamy therein, \$40,000; said sum to be expended upon requisition of and under the management of a board of control, to consist of the Governor, the justices of the supreme court, and the district attorney of said Territory; and the said board shall duly and properly expend said sum, or so much thereof as may be necessary for the purpose herein indicated, and shall from time to time report to the President their acts and doings and expenditures hereunder for transmission to Congress.

I ought, perhaps, to say in this connection that the Senate amendment was for \$50,000, but in conference the Senate submitted to a reduction of \$10,000, making the amount \$40,000.

Under the provision of law just read the board of management proceeded to rent a private residence in the city of Salt Lake, for which they agreed to pay \$45 per month; and at an expense of some \$2,000 they furnished this house and placed it in charge of some ladies representing this private corporation. For ten months the institution thus established was carried on by them, when for some reason or other the representatives of the corporation alluded to came to Congress, and, as we learned from a speech made the other day in another body, and through a distinguished gentleman from the State of Vermont, prepared an amendment to the general deficiency bill, and had it incorporated therein. That Senate amendment on the general deficiency bill, at the last session of the Forty-ninth Congress, was acquiesced in by the conferees on the part of the House. It is a very peculiar amendment. Another peculiar feature of the proceedings which have been had in reference to this matter—

Mr. STRUBLE. Will the gentleman permit an interruption?

Mr. BURNES. Yes, sir.

Mr. STRUBLE. In order that I may clearly understand this matter I wish to ask whether the gentleman is now referring to the first appropriation made by the Forty-ninth Congress.

Mr. BURNES. I have just referred to the first appropriation, and am now referring to the second.

Mr. STRUBLE. Was not the first appropriation made by the Forty-ninth Congress?

Mr. BURNES. The first was made at the first session of the Forty-ninth Congress, and the second was attempted to be made at the second session of the Forty-ninth Congress.

Mr. STRUBLE. And that is the one you are now referring to?

Mr. BURNES. It is. It will be remembered that at the second session of the Forty-ninth Congress the general deficiency bill failed for want of time, as alleged, on the part of the Senate. In consequence of that failure the provision, of course, did not take effect; but in the agreement between the representatives of the two Houses upon these questions the general deficiency bill, which failed at the closing session of the Forty-ninth Congress, was made a special deficiency bill at this session of Congress—that is to say, all that had been agreed upon in conference was made the subject of a special deficiency bill, except where circumstances had demonstrated that an appropriation was unnecessary.

This was done in order to remedy promptly the evils which the failure of the bill had caused. The bill thus framed contained this second amendment of the Senate, which I will now proceed to consider; and I want to call the attention of gentlemen particularly to the growing desire therein manifest to take the expenditure of this money out of proper hands and place it in unofficial hands, and hands perhaps but poorly qualified for the business-like disposition of large sums of money:

Industrial Christian Home: To aid the Industrial Christian Home Association of Utah—

There, for the first time, we strike the corporate name of this private corporation organized under the laws of the Territory of Utah—

in carrying on under its articles of incorporation the work of providing employment and means of self-support for the dependent women who shall have renounced polygamy, and their children of tender age, \$40,000.

That is \$40,000 in addition to the first appropriation.

But the unexpended balance of the appropriation for aiding in the establishment of an industrial home in the Territory of Utah contained in the act of Congress approved August 4, 1886, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes," shall be deemed a part of this appropriation; and the board of control mentioned in said former appropriation shall audit the expenditures under this appropriation and report yearly to the Secretary of the Interior."

I want gentlemen to observe particularly that in this attempt to change the responsibility, and, I may say official management, in the expenditure of this money insufficient language was used, for it says "the board of control mentioned in said former appropriation shall audit the expenditures." It was an added duty on the board. It did not repeal the law making them a board of control in the expenditure of the money. It was an attempt to reduce the board of control to the position of mere auditing officers with reference to the expenditures to be made, as was hoped by this private corporation; but fortunately the Secretary of the Treasury, and perhaps others, took the view that this language did not effect the object desired—that the board of management was not displaced by reason of this provision—and consequently that the board of management remained the same under the second law as under the first, and lawfully controlled the expenditure of all the money appropriated. It has been claimed, however, by the corporation authorities, and by gentlemen who control this project in the other end of the Capitol, that the second law vested the right of expending these appropriations in the private corporation called the "Industrial Christian Home Association of Utah;" but, notwithstanding the law, that corporation, it is said, has consented that Governor West shall hold the money, but allow the corporation to expend it as it pleases.

Contrast the pending propositions with the preceding legislation and you will find that what was not even intimated in the first proposition, but which was attempted in the second provision of legislation, is now boldly attempted by this third effort on the part of gentlemen to take this appropriation from the control of legitimate officials and place it in the hands of private persons or a private corporation. I do not know how far I can make allusion to speeches made in the other end of the Capitol, or language used in conference, but I feel authorized to go as far as gentlemen have gone in discussing this proposition in the Senate. Therefore I say, in the conference we were told distinctly that the language used severing "allegiance from the Mormon Church" was absolutely and indispensably necessary, and would not be yielded under any circumstances.

It was regarded by your conferees as a proposition in the nature of offering a home and provisions—in short, a bribe under pretense of charity—to poor deluded women, as we think, to induce them to "sever their allegiance to church."

In such an affair as that we cannot consent to be a party. We seek to avoid all interference in matters ecclesiastic, and have nothing to do, in making appropriations, with severing church allegiance.

No member of this House will be accused of any relationship to this church, I trust, because he is of opinion that it is not the province of our Government to enter the field of churchmen as a proselyte, although it has been said in another place than this that the Mormon Church is actively opposed to the legislation under consideration. I presume gentlemen who make such a statement have some information in support of it, and have not recklessly made the hazard of an assertion that they ought to be prepared to maintain as a fact.

The House Committee on Appropriations have seen nothing tending to justify the remarks to which I have alluded. No member of that committee has been advised by the Mormon Church or any of its representatives, if any such are here. If they have given their confidences to members of another body it was their right, and we do not complain.

We take notice of the laws of the country, and learn from them that polygamy is forbidden; that it is under the ban of Congressional legislation, and ought to be eradicated, even if a constitutional amendment were required to accomplish the work; but our work ends with polygamy and does not reach over into the realm of church allegiance or into the moral consciences of men or women. The fact of polygamy is to be assailed. We attack its practices as a crime, and punish those who commit it; but we punish the body and not the soul of a criminal. We punish for acts, not thoughts—for words, sometimes, but never for sentiments entertained.

A distinguished gentleman said elsewhere on Tuesday:

Whatever lapses there have been on the part of Congress and the Executive in dealing with the monstrous evil of polygamy in Utah and the adjacent Territories of the United States; however delinquent the Government may have been in dealing with that evil, and however much the Mormon hierarchy may have profited by these lapses and delinquencies, no part of the fault for all this can be laid at the door of the women of America.

What "lapses" on the part of the Executive have occurred? Have gentlemen so soon forgotten the noble words of the President in behalf of the sanctity of the home and of the institution of marriage? Have they no remembrance of the grand results of his administration, which have almost destroyed polygamy from the face of our land? It seems that one gentleman at least has the courage of insinuation, if he lacks the courage to make a direct statement. He intimates that there have been lapses in dealing with polygamy on the part of the President.

I do not wish to say one word which would be unpleasant to my friends on my right—not a word; but it is due to the President of the United States I should say that thirty years ago the Republican party denominated the institution of polygamy as the twin relic of barbarism and promised the country to destroy it; but, like many other promises made in the past concerning great national questions, it has not been redeemed. Nor was any practical progress made by administrative or executive action until the present administration of Grover Cleveland came into power.

True, there was some legislation prior, some feeble efforts from time to time; but for twenty-four years of Republican administration we had no results in the destruction of this great evil by administrative effort and practically none by legislation, but in four years of this administration polygamy has been practically destroyed.

Criticism should have been avoided by the gentleman, as it has made necessary a contrast between the results of twenty-four years of Republican administration with four years of Democratic administration, and by such contrast there are gentlemen who will be put to an open shame, much to my regret.

Mr. Speaker, what this House through its conferees offered to do in order to harmonize with the Senate on these amendments—

Mr. DINGLEY. Will the gentleman pardon me for interrupting him just there in order that I may understand exactly the position on this matter? Do I understand the gentleman to state that the Senate conferees refused to take from amendment No. 112 the words to which he has referred, "who desire to sever their allegiance to the Mormon Church?"

Mr. BURNES. Yes, sir. When the conferees of the House reached these amendments they were told that the words quoted by the distinguished gentleman from Maine would not be surrendered under any circumstances, and it was not until the second day of the conference we were told that if we could agree upon the other conditions they, the Senate conferees, would waive the language "sever their allegiance to the Mormon Church."

Mr. DINGLEY. Because I understood that the Senate conferees took the position that they were entirely willing to surrender these words; that they were not essential.

Mr. BURNES. That was done at the last moment, and not until near the expiration of the conference, but we now make no issue upon that. It may be considered as yielded by the Senate conferees, but it is still in the Senate amendment and is before the House.

Now, what is the pending proposition? It is a proposition, as it stands, to take \$135,000, with six or eight or ten thousand dollars (we know not how much) of it expended, \$40,000 of which are now in the hands of the Governor of Utah Territory, and place it all in the hands of a private corporation controlled by individual people living, some in Salt Lake City, some in one place, and some in another—mainly, I may say, married women whose business qualifications have never been successfully demonstrated, so far as I know, upon any field of business activity or in any branch of business enterprise. Their respectability is not called in question; their business capacities and experience are, perhaps, practically untried.

Mr. STRUBLE. Will the gentleman pardon me for a moment to ask whether or not it is true that there are gentlemen of respectability residing in the city of Salt Lake who are connected with the institution as members of the board of directors, or in some such capacity?

Mr. BURNES. There are names appearing in the articles of incorporation that indicate that there are men connected with it, but I can say that the life and the soul and the body of the whole institution is the creation of a lady of rare mental

and moral endowments—Mrs. Newman—who has represented its interests here from the beginning. Whatever names may be used, and whatever gentlemen may be in the background, this institution is one of women.

Mr. DINGLEY. Just as in the case of many other beneficial and reformatory institutions, I suppose.

Mr. BURNES. Certainly. I have no objection to make to that ; but that, as you will see when I come to state the ground upon which we offer to harmonize, has a direct bearing on the suggestion made by the House conferees, and I think you will see and admit that the proposition of the House conferees was just, fair, and even liberal. We say to the Senate conferees, you want a home—a permanent home, if you please—into which can be received the destitute women and children who have abandoned or proposed to abandon polygamy. You want a new house on a new lot, and you want that house furnished, and you want annual supplies from the Government, almost exclusively. A little is expected, perhaps, from private contributions or private charity, but it is practically admitted in the papers here that the institution must rest upon the Government of the United States for yearly maintenance. We say we will let this institution be established, we will build you a house that will cost \$50,000—that is, the house they want—we will build this house and furnish it and provide all the money necessary to accomplish these ends.

When we shall have built you this house and furnished it we will place it under the control and in the hands of the corporation represented by Mrs. Newman and her associates for management as a public institution of the United States. They shall manage it. We will define simply by law or regulation the classes of people who shall be admitted into the institution ; and in that respect I will say that we offered and again offer to make these classes embrace all the people who it is claimed have been rejected under the management of Governor West—that is to say, in the report of the commission and of the corporation it appears that certain classes of women were not allowed to be admitted into the home ; such, for instance, as first wives and girls who had been introduced into the Territory not knowing that polygamy was one of the institutions of the church.

Now, so far as these classes are concerned, we propose, after we shall have built this house on business principles and after we shall have furnished it to their heart's content, to place it under the control of this private corporation and make an appropriation for its support which that corporation will expend. Five thousand dollars are asked for contingent expenses.

This private corporation has some contingent expenses. For what ? It is alleged that it is to pay traveling expenses of parties who will have to go East or elsewhere in search of teachers, in search of people who are to take charge of the interests of the institution, etc. ; and also to pay the expenses of indigent females who want to enter the home, but who cannot get from their places of residence to the city of Salt Lake, where the home is to be located. We are disposed to recognize the great work of Mrs. Newman as justifying a proper payment to her for expenses incurred and to be incurred in behalf of the enterprise, whatever of success or non-success may result ; and for that purpose, and that alone, we would probably agree to one-half the sum proposed for contingent expenses.

Mr. STRUBLE. I would like to inquire what the conferees propose in regard to who shall decide upon the admissions to this home. I understand that up to this time the authority to decide that question rested with the Governor of Utah, and I would like to hear if the matter has been discussed, and, if it is proper to disclose it, what the conferees of the House proposed to the conferees of the Senate on that point.

Mr. BURNES. I have stated and will state again that these ladies claim that there were certain classes of applicants for admission into the home which were rejected by Governor West, in consequence of which some forty or fifty destitute women and children were deprived of the benefits of this home. That is the claim that has been made.

Mr. STRUBLE. That much I remember.

Mr. BURNES. I have seen the statement of this corporation as to the classes that it alleges have been denied admission by Governor West, and also the claim of the corporation as to the classes it desires to have admitted, and, if I am not mistaken as to its suggestions, we are willing to recognize those classes as proper objects for admission into the institution.

Mr. STRUBLE. And the authority of deciding upon that rests still with the Government?

Mr. BURNES. Not at all.

Mr. STRUBLE. Then I would like to know in whom the conferees propose to repose this authority.

Mr. BURNES. It was reposed wholly by law. We prefer to define the classes by law, but it can be done by regulations from time to time by the Interior Department. In view of the fact that other and new classes may be presented in the future for admission, we think in some respects the giving of the power to the Secretary of the Interior to make from time to time regulations as to these classes of people to be admitted will prove convenient and advantageous.

But if it is objected that the Secretary of the Interior ought not to be allowed from time to time to make regulations defining the classes of people who are to be admitted to a Government institution, which the Government has to pay for and support, and the subject should not be settled by law, but left to the will of this corporation, then, indeed, we cannot too quickly abandon the whole business and employ some one by contract to take care of and maintain all the poor of Utah Territory.

Mr. STRUBLE. The reason I asked the question was that I had an intimation that it was the fault of the conferees to suggest, or to provide, or to endeavor to provide that the Secretary of the Interior should be authorized to decide upon certain classes or upon all classes not distinctly provided for in the law that should be admitted to the home.

Mr. BURNES. We suggested to the conferees on the part of the Senate that, in our judgment, vesting this power in the Secretary of the Interior would give an elasticity to the powers of the corporation that would not exist if we put the regulations in the law; but upon that provision the Senatorial conferees can take their choice. They can either embrace all these classes in the law, or they can allow

the Secretary of the Interior from time to time to define the classes that shall be admitted.

When this new building is finished and furnished it goes into the hands of this corporation without limitation or restraint as to the domestic management. They should be required to make report as to how they expend the money, and be required to expend it in the support of the classes of people nominated in the law or nominated in the regulations of the Secretary of the Interior. That certainly is not an unreasonable requirement.

As for Governor West and the judges of the supreme court, they have established this home and have managed its affairs for nearly two years. They have not failed to act in accord with the representatives of the corporation, so far as the law allowed and the success of the management can be understood in view of the fact that the highest number of inmates in the home at any one time was twenty-seven, and the average of such inmates has not been more than seven.

Mr. DINGLEY. I would like to ask the gentleman whether the reason for that does not lie in the fact that the governor rejected a large proportion of those whom the institution was intended to benefit—somewhat over one hundred, for example, in ten months.

Mr. BURNES. A claim of that sort is made by the representatives of the corporation, but after two years of effort, two years of advertisement, and an extraordinary appropriation almost without restraint or restriction in its expenditure, the inmates of the home to-day are one woman and five children.

It has been reported to us officially that \$6,900 were expended for the first ten months in and about the institution. The expenditures since have not been reported officially, but in one of the papers I find it stated by the corporation that the amount expended up to August last is \$13,500. At this point I want to call the attention of the House to a business fact. The gentlemen who discussed this question with us in conference, and one of them who has addressed another legislative body upon it, have labored under the delusion that only \$40,000 had been appropriated for this institution. By telegraphing to the Treasury Department I have learned that during the first ten months of the existence of the institution there were drawn from the Treasury \$10,000 in four equal installments, and in July last \$40,000 were drawn, making \$50,000 in all that passed from the Treasury into the hands of this board of management and control.

I find in the reports made here no mention by any of the parties out in Salt Lake City of more than \$40,000. It is not stated in any paper or report that the amount is more than \$40,000; yet the fact is that they have received \$50,000. I ought to say, however, that they have paid back about \$1,100, leaving \$48,800, or thereabouts, in the hands of these people or some of them—I presume in the hands of the Governor. What use he could have had for the last \$40,000 is not explained.

In his hands for what? To support one woman and five children! Now, my friend from Maine [Mr. DINGLEY] asks me whether there would not have been inmates of this home if Governor West had been more liberal in admissions.

Mr. DINGLEY. Before the gentleman leaves that point I would like to ask whether there is not a building in course of construction, upon which there has been

a considerable amount expended apart from the mere expenses of carrying on the institution, which is rented?

Mr. BURNES. I heard a speech the other day in another place, and in that speech I heard the statement that our proposition was to build this home through the agency of the Treasury Department, and that on that plan it would require three years to finish it, but that already the foundations were laid and the work was rapidly progressing on the central part of the building. That was the first time I had ever heard the statement that work had been commenced on the new building.

I believe that if any contract were made it was without authority of law, even conditioned to take effect upon a further appropriation by Congress. I do not believe the work is in progress, but I do not know; I do not assert it as a fact that it is not, but I have no information that would justify me in believing that it is.

Mr. DINGLEY. Having suggested the statement by my question, I now wish to name my informant. I learned from Mrs. Newman, who has been more prominent, perhaps, than any other lady in this matter, that a building is in process of construction, and that the walls are up, or nearly up; at any rate, that some \$18,000 have been expended upon the building.

Mr. BURNES. All I need say in reply to that is that I have very great respect for Mrs. Newman and for any statement she makes. Mrs. Newman, however, has not been there for some time, and I am quite certain that if she makes that statement she is mistaken. At least I have had no such information from Mrs. Newman, and I have conferred with her upon the subject. I need not repeat what I have already said, that I have great respect for her statements and great respect for her, but I cannot believe that this work is in progress, as has been stated by the gentleman from Maine.

I find in these papers before me, coming from this corporation, that a lot was bought and a contract let for the erection of a building by the corporation, to cost \$18,000; that the corporation has done this under the provisions of the second law, which I read. I call attention to the fact that there is no power given to this corporation to make any such contract, there is no power given it to spend one dollar in the erection of a new building or in the purchase of ground. Indeed, I may say there is no power given to the corporation to handle one dollar of this money, except at the discretion of the board of control, of which the Governor is chairman.

This sum of \$40,000 is now in the hands of the Governor out there. It is said that \$10,500 have been paid for a lot; but I will not stand upon the fact that neither the corporation nor the board of control had any more power to buy that lot than I had. They say they have bought a lot for \$10,500. I am willing the Government shall take the lot, shall recognize the transaction, irregular as it is—recognize the expenditure—and have the title of the lot made to the Government. Then they say that there is a contract to build on that lot an \$18,000 house, and that the plan contemplates ultimately its extension. Now, I will go further and say that if there be such a contract I am willing, in the spirit of healing the business judgment of the corporation managers, to have a provision made which shall take care of any such contract, if one has been made. If in good faith there has been a contract

made and the work is progressing, I am willing that we shall recognize it and carry it on to completion under the contract.

Mr. RYAN. Let me ask my colleague on the committee a question at this point. Suppose it be true that there is a contract for the construction of this building—the entire building—a portion of it contingent upon further appropriations, how is it practicable under such circumstances to turn the work over to the Treasury Department?

Mr. BURNES. I answer my friend and associate in just this way: So far as that alleged contract is concerned, we will ascertain its condition, and if there be a valid contract—a contract entitled to the respectful consideration of any gentleman on this floor—we will take care of that in its order and according to the necessities of the case.

Mr. RYAN. Ah, but that does not answer my question. I assume that there is a contract for the construction of a building; that it provides for constructing a building according to certain plans and specifications. Now, the question I ask is this: If you are to carry out that contract in good faith how are you to turn the work over to the Secretary of the Treasury?

Mr. BURNES. I was going to say further, in answer to my colleague, that if the work is in that condition we will set apart the \$18,000 contracted to be paid for it and let the work be finished; but the additional work, the work on the wings or extensions, is not under contract; that is not pretended by anybody.

Mr. RYAN. It is pretended that it is under contract, subject only to the contingency of Congress making appropriation to pay for the work?

Mr. BURNES. Then, if that contingency exist, we are not bound to recognize the contract as extending to the wings, because in making the appropriation we can provide that we will not ratify the contract to that extent.

The Secretary of the Treasury can, through his agents and instrumentalities, extend this building, erect the additional buildings; and I call the attention of my colleague on the committee to the fact that in the estimate sent in here by this corporation it is expressly stated that they want \$50,000 for the purpose of putting another story upon this building now under contract. That is business for you with a vengeance—they contract for the erection of a building with ample means under their control, and then ask more money to put another story upon it! I give this as a sample of the business wisdom with which this money will be expended if placed under the control of this corporation.

It is said the treasurer of this private corporation is to give bond for the faithful distribution of this money; and it is also said that we have used the word “he” in the law, and that this necessarily implies that the treasurer must be a male, although at present I understand the treasurer is a female, under disability with regard to making bonds in consequence of being a married woman. What sort of a bond would a married woman make as treasurer for the disbursement of United States funds?

Away with all that! I am perfectly willing for this money to be expended as all other moneys of the United States are expended—by a proper disbursing officer to be appointed under existing law. If those who ask this appropriation object to

accepting the money in that way, then it is not so much the institution that they want, it is not so much the suppression of polygamy that they are after as it is the cash in the hands of irresponsible parties who are not officially authorized to receive it.

Mr. STRUBLE. Has the gentleman examined the statutes of Utah sufficiently to be able to state that under those statutes a woman cannot give bond in a case like this?

Mr. BURNES. I have not; it may be that she can.

Mr. STRUBLE. I understand the laws are very liberal out there. I did not know but that in this respect the law might be as it is in the State of Iowa. In our State a woman can give bonds.

Mr. BURNES. I will ask to have printed in the RECORD, as a part of my remarks, some of the documents to which I have alluded, so that this whole matter may be made of record for subsequent legislators who may be called to consider it.

I close by saying that we are perfectly willing to give to this institution the control of the building and its management. We are perfectly willing to define by law the classes of inmates, or to give the Secretary of the Interior authority to regulate from time to time what classes shall be admitted, with a view of extirpating polygamy. We are willing that the purchase of the lot shall be recognized and the lot turned over to the Government. If there has been a contract made in good faith and work done under it—if the foundations have been laid, as alleged—we are willing to recognize that work. It was never claimed until yesterday that any more work had been done than the laying of the foundations; now we are told that the work is already finished, or nearly so.

We are willing to recognize this thing in good faith. We are willing to create a great charitable institution. We are willing to do anything to suppress polygamy. We are willing this private corporation shall have control of it. We are willing to take this contingent fund and make provision for the payment of the services of Mrs. Newman, who has represented it from its inception, and who ought to be paid something for her services if we recognize this institution at all. We are willing to do this, and the only thing between the inclination of our minds and gentlemen on the part of the Senate is that we will not allow this money to be transferred from the hands of Governor West to the less responsible hands of the treasurer of a private corporation, but insist that the money shall be placed in the hands of a disbursing officer under the United States; and that is all there is between us to-day.

It is simply a question who shall expend this money for the building of this new house. The old house is there. They are occupying it. Let them continue to occupy it. They have properly the control of it. They have properly the right to operate it until we build this new building. Let us build it as rapidly as possible. Let us make it as complete as possible; but when we do it we say we will do it in our own way, and that the expenditure shall be under the control of the disbursing officer of the United States. We want to do it in the right way.

Mr. STRUBLE. What way is the right way? If I understand the gentleman from Missouri correctly, he has argued against any authority being reposed in this private corporation or industrial home organized under the laws of Utah.

Mr. BURNES. No, sir.

Mr. STRUBLE. You have argued against giving them any such power.

Mr. BURNES. Only as relates to the building of this house.

Mr. STRUBLE. What objection has the gentleman to giving the power which the language of the amendment confers upon the Utah Commission?

Mr. BURNES. What objection can the gentleman urge against placing the expenditure of this money in the hands of the proper disbursing officer of the United States?

Mr. STRUBLE. I have no objection to that, but it seems to me, as made, the proposition is liable to change the power of control from the Governor, judges, and district attorney and establish another board with power and responsibility connected with it, and that is objectionable.

Mr. BURNES. I have two objections. In the first place, it is legislating still further on an appropriation bill, and, in the second place, the Utah Commission can be no better prepared to attend to this than the present board of control; but your amendment proposes to take it away, so far as the expenditure of the money is concerned, from the board you allude to.

Mr. STRUBLE. Permit me a single question. The Governor of Utah in his report recommends the Governor, judges, and district attorney shall be relieved from these duties.

Mr. BURNES. I know the gentleman wants to be fair.

Mr. STRUBLE. I do, certainly.

Mr. BURNES. The Governor, of course, realizes, as we all do, there is a manifest impropriety or inconvenience in his having the control of the expenditure of the money for the ordinary current expenses of the institution; but the Governor has never yet intimated, if his duty were to build or furnish a building under the direction of the Secretary of the Treasury, he would not have time to attend to that. The Senate gives the management away from the Government and gives the general management to the corporation. We are trying to put this money in a safe, business-like channel, and that is all.

Mr. RYAN, at this point, addressed the House, followed by Mr. STRUBLE.

Mr. BURNES. Mr. Speaker, I will detain the House but a moment. I wish to say to the gentleman from Iowa [Mr. STRUBLE], in reply to his statement that I have no enthusiasm in regard to this legislation, judging from the number of objections I make to it, that he does me injustice. I am not making objections to the merits of this institution, and I am not debating the merits or demerits of the proposition.

We are committed to some work for these dependent women and children in Utah, and I am perfectly willing to go on. The only objection I have made is to the loose and imperfect restrictions defining how the money shall be expended and the work conducted. The money appropriated and unexpended and that we may now appropriate should be put in the hands of some responsible disbursing agent of the United States, to be applied to the purposes for which Congress shall direct.

A word in reply to my friend from Kansas [Mr. RYAN]. Sir, whenever a suggestion is made on the other side of the House or in another body, who are of kindred

political faith, reflecting upon the President of the United States or upon the party of which I am an humble member, and any Democrat here takes notice of it, he is charged with bringing into the consideration of an appropriation bill political debate.

I beg to state to the gentlemen who have made such statements on that side of the House that it has never been my intention to bring into the discussion of appropriation bills political questions; but in this case I submit to the candid consideration of every member of this House that I was justified in taking notice of the covert insinuation which I have read from remarks of a prominent Republican—an insinuation that on the part of the present Executive, the present President of the United States, there has been some lapse in his administration in neglecting to repress polygamy. In consequence of that assertion I felt it to be my duty to call the attention of the House to it and to refute it; and I call the attention of the House to the further fact that during his administration and only through his administration has this evil been brought to bay and practically extinguished, and now, sir—

Mr. DINGLEY. At that point I desire to ask the gentleman if the fact is not simply that Congress had not got up to the point of passing legislation to repress this evil until that time?

Mr. BURNES. But Congress failed to pass any effective law, and it was the failure of the Republicans, because the Democratic House, with 40 majority, passed the bill which has made the effective law under which the President is now extirpating this evil.

Mr. DINGLEY. If my friend had been in the Forty-seventh Congress and had witnessed the long contest in securing the passage of the first law for the suppression of polygamy, and had noticed where the opposition to it was, he would not have made the remarks he has.

Mr. BURNES. If the Democrats had had the majority in the House of the Forty-seventh Congress they might then have passed the bill which was subsequently passed, and which is known as the bill of Mr. Tucker, of Virginia; but unfortunately for my friend the Republicans are responsible for that Congress.

Mr. DINGLEY. I regret exceedingly that any allusion should have been made to party in this matter, because I think it is the sentiment and feeling of both parties and of all the people of this country that this great evil of polygamy shall be extirpated.

Mr. BURNES. The gentleman is right, and if another gentleman in another place had shared in that feeling and that sentiment of fairness there would have been no occasion for the remarks which I have been compelled to make.

Mr. STRUBLE. Will the gentleman from Missouri yield to me for a request?

Mr. BURNES. Pardon me. I want to ask that the Clerk shall read the letter of the Attorney-General in regard to the prompt and efficient enforcement in Utah of the law against polygamy by a Democratic administration.

The Clerk read the letter.

Mr. BURNES (before the completion of the reading). I will not insist upon the Clerk reading further, but I will embody the statement in my remarks.

Mr. Speaker, I wish now to call the attention of the House to a fact which will show that I am not entirely partisan in this matter. In a recital made elsewhere I find the endorsement of a report by Mrs. Newman to this effect :

I found in one cell (meaning a cell of the penitentiary in Utah) 10 by 13½ feet, without a floor, six women, three of whom had babies under six months of age, who were incarcerated for contempt of court in refusing to acknowledge the paternity of their children. When I plead with them to answer the court and be released they said, "If we do there are many wives and children to suffer the loss of a father."

This most excellent woman failed to go to the judicial authorities and ask relief for them, but was content to advise them to gain freedom otherwise. I think, sir, that these women ought not to be confined in the penitentiary for contempt of court under such circumstances.

But the gentleman from Iowa [Mr. STRUBLE] has demanded of me the presentation of facts which I had not intended to present. I find here, sir, a financial statement made by the Industrial Christian Home Association of Utah Territory, as follows :

August 6, 1888, Congressional appropriation, \$40,000.

Expended in temporary home.....	\$13,500
June, 1888, paid for building lots.....	10,500
Total.....	24,000

Twenty-four thousand dollars subtracted from \$40,000 leaves a balance of \$16,000.

August 16, last contract let for main building, three stories high, \$18,000.

That is \$2,000 more than the balance on hand. Now, Mr. Speaker, seeing this discrepancy, seeing the amount of money received placed at \$40,000, and then the deduction of expenditures, as made, I sent an inquiry to the Treasury Department and received this answer :

There were four advances of \$2,500 each made in December, 1886, and March, August, and December, 1887, to Caleb W. West, of which \$1,168.95 have since been repaid to the Treasury, making a net expenditure of \$8,831.05 in addition to the \$40,000 paid in July last.

Therefore, instead of there being a total of \$40,000, there is a total of \$48,000 to be accounted for ; and while I express and reiterate my confidence in the honor and honesty of those in charge of this institution, I may be permitted, I think, to present these facts as an evidence that in a business matter, in a business proposition for building this home, we ought to observe ordinary business principles and not intrust it entirely to the discrimination and skill of the ladies of this association.

Mr. Speaker, I yield five minutes to the gentleman from Florida [Mr. DOUGHERTY].

Mr. DOUGHERTY thereupon addressed the House.

Mr. BURNES. It was my purpose, Mr. Speaker, to submit at this time something in the nature of a résumé of the appropriations of this Congress in connection

with some remarks of a political nature ; but, under the circumstances, I content myself with asking unanimous consent to extend in the RECORD some remarks which I made the other day in reply to my friend from Illinois [Mr. CANNON], and to include also in those remarks such tables of expenditure and other matter as may be pertinent.*

The SPEAKER *pro tempore*. If there be no objection, the request of the gentleman will be granted. The Chair hears no objection.

Mr. ROGERS. I desire to ask the gentleman from Missouri one or two questions for the purpose of obtaining information. I noticed in some observations recently delivered it was stated that \$10,000 heretofore appropriated by this Government was used by this corporation in the purchase of real estate. I wish to know if the gentleman is advised in whose name that real estate was taken.

Mr. BURNES. This private corporation purchased ten thousand five hundred dollars' worth of lots, upon which it is proposed to erect this new building.

Mr. ROGERS. I understand the limit of cost of the building to be erected is \$50,000.

Mr. BURNES. Just \$50,000.

Mr. ROGERS. And five or ten thousand to furnish it?

Mr. BURNES. Five thousand dollars.

Mr. ROGERS. It is to go into the hands of this private corporation, and is not to be under the control of Congress.

Mr. BURNES. No, sir.

Mr. ROGERS. What provision of law is there to prevent the diversion of this property, when they get ready, to other uses?

Mr. BURNES. Nothing except the bond of the treasurer.

Mr. ROGERS. That is for the expenditure of the money ; but I understand there is no provision to prevent this private corporation diverting this property to any other purpose.

Mr. BURNES. The only security for the Government would be suit on the bond of the treasurer of the corporation to recover.

Mr. ROGERS. I understand that is only for the expenditure of the money.

Mr. BURNES. That is all.

Mr. ROGERS. Now, as this may result in another public scandal, we are at the point where, if we are to go on with this business, we ought to provide that the money appropriated for this purpose shall not be diverted to improper channels. We ought to see to it before any money is appropriated to it that it shall be accompanied by legislation of that character.

Mr. BURNES. After the report is disposed of—and I hope it will not be agreed to—I shall insist on the disagreement of the House to the Senate amendments, and request another conference with the Senate.

Mr. RYAN. If the report goes back it will have to go back altogether.

Mr. BURNES. Yes ; a separate vote cannot be had on each amendment.

Mr. DINGLEY. It must be voted on as an entirety.

* The speech referred to is found on page 42 of this work.

Mr. BURNES. The question is on the adoption of the report, and when that is voted down I shall then move to insist on our disagreement to the amendments of the Senate and ask for a further conference.

Mr. ROGERS. In order to get a negative vote upon it the motion should be on agreeing to the report, and then for the House to vote the motion down. That is the information I have from the Speaker.

Mr. BURNES. If that be the opinion of the Speaker I shall certainly respect it.

Mr. McKENNA. Will the gentleman allow me to ask him a question?

Mr. BURNES. Certainly.

Mr. McKENNA. If the procedure be adopted as suggested by the gentleman from Arkansas, is it tantamount to a negative vote to all the amendments made by the Senate?

Mr. BURNES. It is.

Mr. McKENNA. Because my object is to get a distinctively negative vote upon the Chinese appropriations.

Mr. BURNES. That is included in the negative vote upon the report.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Missouri.

The question was taken, and the report of the conference committee was rejected.

DEBATE HAVING BEEN RESUMED OCTOBER 9, 1888—

Mr. BURNES said: I wish to express a word or two of admiration for much the gentleman from Maine has said in regard to the subject under discussion, and perhaps I would be permitted to express the feelings I have that he has been exceedingly adroit. If he had alluded exclusively to the surplus and money question, to the purchase of bonds, subjects which belong to another committee of this House, and not to the subject of appropriations, I should have been entirely content to say nothing.

The gentleman from Maine [Mr. DINGLEY] has studiously avoided alluding to the real proposition on which, in my judgment, the Democratic party succeeded in the election of 1884. The Democratic party have been in power in this House, with one exception, from 1875 to this time, and it was in some sense responsible for appropriations during that period. No gentleman, so far as I know, has ever urged with any very great degree of prominence that the appropriations made during the Republican administrations of the Government were extraordinarily excessive or extravagant, and I submit it could scarcely do so without some degree of self-stultification. It was not, then, because of the appropriations during Republican administrations so much, if at all, but it was as to the character of the expenditures and the faithful manner in which they ought to have been disbursed and in many instances were not.

To that subject the gentleman has made no allusion and I seek to make none. I call the attention of the House and the country to the fact, however, that in the discussion of this question we cannot avoid, in justice and in fairness, contrasting the integrity of the expenditures under this administration as against the want of

it in the expenditures under the former administrations. [Applause on the Democratic side of the House.]

In saying this, sir, I only state a fact, without any partisan feeling or design. I simply call the attention of my friends on the other side and the country to the fact that for the last four years the money that has been expended has been expended without causing a single blush on any American cheek. Can you say as much for preceding administrations?

Whatever we can or cannot say, I simply rose for the purpose of emphasizing the assertion that the people of this country turned the Republican party out of power, in my judgment, not because of the amount of money that was appropriated through Congress, but because of the waste and extravagance and want of integrity, as they believed, that existed in some departments of the administrations that preceded the present one at least. [Applause on the Democratic side.]

Mr. MILLIKEN addressed the House.

Mr. SOWDEN. I would like to ask the gentleman from Missouri [Mr. BURNES] if amendment 107, as modified by the conference report presented by him, excludes the \$911.20 balance claimed by Grosvenor Lowrey, one of the special counsel in the Bell telephone cases?

Mr. BURNES. It does.

Mr. Speaker, the Senate amendment relating to the extension of certain laws over the Public Land Strip has been disagreed to, and is not in this conference report. The proposition to pay a year's salary to the widow of a gentleman who died of yellow fever is not in the report. The proposition to pay the widow of the late Chief-Justice Waite the balance of a year's salary is not in the report.

Mr. RYAN. I suppose my friend means that the Senate has receded from those amendments.

Mr. BURNES. The Senate has receded from those amendments.

In regard to the proposition concerning the establishment of an institution for the purpose of assisting in the eradication of polygamy in Utah Territory I desire to make a brief statement, more for the purpose of calling the attention of the Treasury Department to the facts than anything else. We found that matter—I may call it that appropriately—in this condition: Some \$40,000 had gotten into the hands of Governor West to be expended by him at the will or wish or on the order of a corporation organized in the Territory of Utah by some good women, doubtless, who had interested themselves in the work of extinguishing polygamy. That money was there in the hands of no bonded officer, subject to be expended by private persons. It was held and liable to be expended by parties who were not under any bond to the Government of the United States. By the amendment as now agreed upon the first thing we accomplish is to get that money—the unexpended balance of the two preceding appropriations—into the hands of a bonded officer of the United States to be appointed by the Secretary of the Treasury.

On investigation it will be found that there are marked discrepancies in several financial statements that have been made to the members of the committee and possibly to the House—that is to say, in one financial statement I found the total amount received apparently stated at \$40,000; expended in temporary home,

\$13,500; paid for some lots in Salt Lake on which the building is to be erected, \$10,500, leaving a balance of \$16,000 out of \$40,000; but it appears that there were \$48,000 drawn out of the Treasury, and the account, instead of starting with \$40,000, as it does in this financial statement of the corporation alluded to, should start with \$48,800; and then the \$13,500 alleged to have been expended under the direction of the corporation should be carefully considered, for the reason that the \$40,000 drawn out of the Treasury were drawn, as stated in this financial estimate, in the month of August last—two months ago—and that \$13,500 is deducted from the \$40,000 instead of the \$48,800, when it could not in the nature of the transaction have been expended after the date it was received.

Now, it is simply impossible for them to have spent \$13,500 since August last, and there is no pretense that there has been any such amount expended. I think it will be found upon investigation that the expenditures for the first year, as reported by Governor West in his annual report to the President, were included in the \$13,500, without raising the debt entry from \$40,000 to \$48,800. At all events it will furnish some little work for the Treasury Department, which I trust and know it will carefully perform.

The amount of appropriation asked for in the Senate amendment was \$80,000. We give only \$32,000.

Mr. EZRA B. TAYLOR. Mr. Speaker—

Mr. BURNES. Does the gentleman from Ohio desire to ask a question?

Mr. EZRA B. TAYLOR. I simply want to ask whether the gentleman desires to have this bill passed? If he does, I ask him to let it be passed without any more talk. [Laughter.]

Mr. BURNES. I move the previous question. [Renewed laughter.]

The question was taken on ordering the previous question, and the Speaker declared that the ayes seemed to have it.

Mr. DOUGHERTY. I ask for a division.

The House divided; and there were—ayes 34, noes 3.

Mr. DOUGHERTY. No quorum.

The SPEAKER. The point being made that no quorum has voted, the Chair will appoint to act as tellers the gentleman from Florida [Mr. DOUGHERTY] and the gentleman from Missouri [Mr. BURNES].

The House again divided; and the tellers reported—ayes 45, noes 3.

The SPEAKER. Does the gentleman from Florida insist upon the point of no quorum?

Mr. DOUGHERTY. Yes, sir.

Mr. EZRA B. TAYLOR. Mr. Speaker, if it is in order, I move that the House do now adjourn.

The question was taken on the motion to adjourn, and it was agreed to.

DEBATE CONTINUED, OCTOBER 10, 1888.

ADOPTION OF THE REPORT.

The SPEAKER. The tellers will resume their places. The question is on the motion of the gentleman from Illinois that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill the title of which was read.

Mr. BURNES. I wish to make a parliamentary inquiry. Would it be proper for me now to call up as a privileged matter the conference report on the deficiency bill?

The SPEAKER. That is in order.

Mr. BURNES. Then I call up that report.

The SPEAKER. A conference report is in order even when a motion to adjourn is pending. The gentleman calls up for further consideration the report of the conference committee on the deficiency appropriation bill.

Mr. BURNES. I move that the report be adopted.

The SPEAKER. The motion was made yesterday; the previous question was ordered upon it, and the House was dividing, but no quorum voted. The tellers will resume their places.

Mr. DOUGHERTY. I wish to make a parliamentary inquiry. What is now the status—

The SPEAKER. The Chair has stated that on the bill with reference to the electoral count the gentleman from Florida has entered his motion to reconsider, and the gentleman from Ohio [Mr. EZRA B. TAYLOR] has made a motion to lay that motion on the table. The pending question in reference to that bill is upon the motion to lay on the table.

Mr. DOUGHERTY. Where is the bill in fact?

The SPEAKER. The bill has passed the House and has been returned to the Senate.

The gentleman from Florida [Mr. DOUGHERTY] and the gentleman from Missouri [Mr. BURNES] will resume their places as tellers upon the question of agreeing to the report of the conference committee.

Mr. BURNES. As it has been announced that the bill in reference to the electoral count has been returned to the Senate, I ask unanimous consent to offer a resolution requesting the Senate to return the bill pending the motion of the gentleman from Florida to reconsider.

Mr. BAKER, of New York. I would like to inquire the object in having the bill reconsidered.

Mr. BURNES. There is a motion pending now to reconsider, and the bill ought to be here.

Mr. JACKSON. A motion was made to lay the motion to reconsider on the table.

Mr. BURNES. The motion to reconsider is pending and also the motion to lay on the table.

Mr. EZRA B. TAYLOR. There is no more use in talking. I will say to the gentleman from Missouri that if Florida controls this Government let her take possession.

Mr. BURNES. Oh, well, Florida does not.

Mr. DOUGHERTY. Florida is not undertaking to do anything of the kind. A Representative from Florida is undertaking to place himself in a position where he will not be deprived of his rights as a member on this floor. That is all.

Mr. BURNES. I ask unanimous consent to offer the resolution I have indicated.

Mr. BAKER, of New York. I object.

The SPEAKER. The Clerk will inform the Senate that a motion to reconsider is pending, and the Senate can take its own course in regard to the bill.

Mr. PLUMB. Now, is it in order to proceed with our business?

The SPEAKER. The tellers will resume their places.

Mr. BURNES. I rise to a point of order. The record now discloses the condition of this bill, and I submit that the House, as a matter of right, should demand the recall of the bill. I make the point that it is the duty of this House, pending the motion to reconsider, to bring the bill back.

The SPEAKER. The present recollection of the Chair is that when there were joint rules in force covering proceedings between the two Houses—rules agreed to by both branches of Congress—there was a provision of the kind which the gentleman indicates; but those rules have not been regarded as in force since 1877, and the House and the Senate have since that time conducted their business with each other upon the principles of general parliamentary law. All that the House can do as a matter of privilege or right is, through its Clerk, to notify the Senate that a motion to reconsider has been made and is pending.

Mr. DOUGHERTY. And to ask the return of the bill. It is usual to ask the Senate in such cases to return the bill.

Mr. BAKER, of New York. Is it not necessary that there should be an order of the House directing the Clerk to make the notification?

The SPEAKER. The Chair thinks it is the duty of the Clerk to convey to the Senate that information in regard to the state of the bill.

Mr. BAKER, of New York. I desire to withdraw my objection to the request of the gentleman from Missouri [Mr. BURNES].

Mr. HIESTAND. I demand the regular order.

The SPEAKER. The objection having been renewed, the Chair will take time to investigate and see what has been the practice of the House in similar cases heretofore. Heretofore, so far as the Chair knows, there has never been objection to the request for the recall of a bill from the Senate. It may be the question has never yet been presented to the House.

The tellers will take their places in reference to the report of the committee of conference on the deficiency bill.

Mr. EZRA B. TAYLOR. I move that the House do now adjourn.

The question was put, and the Chair declared that the noes seemed to have it.

Mr. EZRA B. TAYLOR. I demand a division.

The House divided ; and there were—ayes 8, noes 37.

So the House refused to adjourn.

Mr. BAKER, of New York. What is the present status of the request of the gentleman from Missouri [Mr. BURNES] in reference to the electoral count ?

The SPEAKER. It was objected to.

Mr. HIESTAND. I withdraw the motion for the regular order.

The SPEAKER. Objection having been withdrawn, the question recurs on the request made by the gentleman from Missouri [Mr. BURNES] for the adoption of the resolution which the Clerk will read.

The Clerk read as follows :

Resolved, That the Clerk of the House request the Senate to have returned to the House the bill S. 3620, a motion to reconsider the vote by which the bill was passed having been made.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I think it is far more important that bill should pass than that the deficiency bill should pass. The election of the President may depend on the passage of that bill, and I therefore must object.

The SPEAKER. The Chair will look into the question and determine what the practice of the House has been.

Mr. DOUGHERTY. Mr. Speaker, I withdraw the demand for a further count.

The SPEAKER. The point of order being withdrawn, the Chair will announce the result of the vote.

The tellers report—ayes 51, noes 1.

So, no further count being demanded, the conference report was agreed to.

Mr. BURNES moved to reconsider the vote by which the conference report was adopted, and also moved that the motion to reconsider be laid on the table. The latter motion was agreed to.*

* The management of this bill was virtually the last official act of Mr. BURNES in the first session of the Fiftieth Congress.

REMARKS ON ENFORCEMENT OF THE CHINESE EXCLUSION ACT.

OCTOBER 9, 1888.

Mr. BURNES. I now ask, by unanimous consent, to present for consideration at this time a bill (H. R. 11581) making an appropriation for the enforcement of the Chinese exclusion act.

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

The bill was read, as follows :

Be it enacted, etc., That for the purpose of carrying into effect the provisions of the act approved October 1, 1888, entitled "An act, &c., to execute certain treaty stipulations relating to Chinese," approved the 6th day of May, 1882, and to defray the expenses which may be incurred in the enforcement of said act by the Secretary of the Treasury during the fiscal year 1889, the sum of \$50,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

The SPEAKER. Is there objection ?

There was none, and the bill was read a first and second time.

Mr. BURNES. I ask for the reading of the letter which I send to the Clerk's desk.

The Clerk read as follows :

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
WASHINGTON, D. C., *October 9, 1888.*

SIR : The attention of the Congress is respectfully invited to the necessity of making some appropriation for the purpose of carrying into effect the provisions of the recent Chinese exclusion act, approved October 1, 1883.

The enforcement of the act necessarily devolves in the first instance upon the collectors of the several ports of entry in the United States, and from the very nature of the service must require the maintenance of a special force of inspectors, guards, and other employes, and as entry may be effected into the United States not only at the ports upon the Atlantic, Pacific, and Gulf coasts, but also across the Canadian and Mexican border lines, it is evident that a considerable force must be eventually employed in order to effectually enforce the provisions of the act.

It would be difficult to give a detailed estimate of the expenditure which might be required for this purpose, but it is recommended that an initial appropriation of \$50,000 be made, and I inclose the draught of a provision to be inserted in some proper appropriation bill if this recommendation meets with the approval of the Congress. * * *

HUGH S. THOMPSON,
Acting Secretary.

The SPEAKER,
United States House of Representatives.

Mr. BURNES. The Treasury asks, for the purpose of carrying into effect the provisions of the Chinese exclusion act, that the sum of \$50,000 shall be paid out of the immigrant fund. We deemed that unnecessary, as that fund is in the Treasury, and therefore we have provided that the amount shall be appropriated out of any money in the Treasury not otherwise appropriated.

The bill was ordered to be engrossed and read a third time ; and, being engrossed, it was accordingly read the third time and passed.

ARGUMENT AGAINST ABOLISHING ASSAY OFFICE AT ST. LOUIS, MO.

MAY 29, 1884.

[This speech was inadvertently omitted from its proper place in the forepart of the volume.]

Mr. BURNES. The personal explanation which I desire to make will be followed by but a brief statement of some of the material facts involved by the amendment I had the honor to offer.

This entire bill now under consideration was prepared by the subcommittee consisting of Messrs. HOLMAN, HANCOCK, and CANNON. It was submitted to the full Committee on Appropriations on the morning of the fire in Willard's Hotel. Some eight or ten pages had been read and considered when the fire was announced. Having my rooms in that hotel, I very naturally and somewhat hurriedly proceeded to them. The next day the consular and diplomatic appropriation bill, in my charge, was taken up for consideration in the Committee of the Whole House on the state of the Union, and the debate thereon was continued throughout three days.

Meanwhile the committee considered and passed upon the remainder of this legislative, executive, and judicial appropriation bill in my absence and reported the same to the House. I received no notice whatever that the bill contained a provision repealing the act establishing an assay office in the city of Saint Louis, and was left without the slightest intimation that the subcommittee intended to strike down that important institution of the Government in the chief city of my State. It seems also that neither one of the three able and faithful Representatives of that great city had any warning or notification that the subcommittee was content to consult unofficially the Director of the Mint rather than the chosen Representatives of the people in whose midst this assay office is established.

More than this, no one of the fourteen Representatives of the State of Missouri on this floor was consulted or informed concerning this raid upon a Federal institution in that State. The Director of the Mint was sent for and advised with, but not one of Missouri's Representatives was allowed to be summoned into the presence of the subcommittee pro or con.

Time and again members of subcommittees have visited the heads of Departments or bureaus for the purpose of obtaining facts concerning very trivial matters. The abolition of a twelve-hundred-dollar clerkship or the payment of a fifty-dollar claim has been the occasion for summoning before the committee persons interested in or informed with regard thereto; but in this instance, where a colleague of the members of the committee or thirteen other colleagues on this floor might properly be supposed to feel an interest in the subject and to have valuable information concerning it, and where they all had the undoubted right to be heard, no information

from them was sought and no regard was paid to their right to represent, in part at least, so much of the United States as was contained in their districts.

I cannot and will not impugn the motives of any one, but this attempt to abolish an institution to which the business and commerce of a city of 500,000 inhabitants have become adjusted, and that, too, without notice to or a hearing of those representing that city, savors (and I say it respectfully and regretfully) of injustice and discourtesy. Here was my distinguished colleague, the Chairman of the Committee on Coinage. Why send for the Director of the Mint and give no notice to my colleague? We all know that he has perfect knowledge of every phase of the silver question, and on his motion this assay office in Saint Louis was established three years ago.

But because of this action on the part of the subcommittee I will not say an unkind word of my valued and distinguished friend from Indiana [Mr. HOLMAN]. His intentions, his motives, were economy and reform, and, like the magistrate who feared his ability to decide if he heard both sides, he concluded to practice the surgery of his profession before he might be persuaded from it by the knowledge or information in possession of his Missouri colleague on this floor; and, saying this, I would add that I know and have faith in the perfectly disinterested integrity of my friend from Indiana. His zeal in the cause of economy is true and sincere, but it is too often, I fear, carried beyond the limits of practical reason.

Some allusion has been made to the able and distinguished statesman who is the honored chairman of the Committee on Appropriations, as if he had some motive in supporting the bill other than the public good. I regret all such allusions. I have been associated with the honorable chairman since the beginning of the session, and have closely observed his every act and utterance with regard to the business of his committee, and am here to-day to bear witness, even in the heat of this strife, that he is, in my judgment, incapable of a selfish or unjust action in his official capacity. I am sure he knew nothing about this matter until his attention was called to it by myself and colleagues. He accepted the work of the subcommittee, as did the rest of the members, without thought that it would be objected to or the slightest knowledge that it was being reported to the House without the knowledge or consent of my colleagues from the Saint Louis districts or myself.

My friend upon my left [Mr. HOLMAN], having reported this provision in his bill, cannot yield it up without a struggle. He is honest in his purpose, but stern and unyielding. Solid as a rock, he cannot, without remorse and despair, surrender this opportunity to cut away something and cut down. I knew this much last evening, and after consultation with my esteemed colleague [Mr. COSGROVE] we determined our brethren from the Saint Louis districts should have the benefit of the evidence of Mr. Burchard, Director of the Mint.

My colleague and myself called on that official less than an hour ago. He informed us that he had never recommended to the subcommittee or anybody else the abolition of the assay office in Saint Louis; that when before the subcommittee he was asked to point out something under him for destruction, and he named this institution in Saint Louis as a sacrificial offering on the altar of economy, if an offering was indispensable, but at the same time giving the information that over

\$32,000 had been saved last year to the Government in the cost of transporting silver bullion from New York and Philadelphia to the mint at New Orleans, and that it was fair to argue that but for the existence of the assay office at Saint Louis the combination to send silver to New Orleans via the cities before mentioned would not have been broken; that 60 cents on every hundred dollars of bullion sent to New Orleans direct from Saint Louis had been saved to the Government, and that if the assay office in Saint Louis were abolished it might well be argued the combination as to silver transportation once existing might be restored, and then the Government would have to pay for transporting bullion over 2,000 miles instead of 700 miles.

This is the statement which the Director of the Mint made to two of your colleagues on this floor. These are the facts with reference to the hearing given by the subcommittee on appropriations to fourteen members of this House, and these also are the facts in regard to the fair and honorable conduct of the chairman of the Committee on Appropriations and of all the members of that committee.

But that does not rectify the wrong. My friend here, in his zeal for economy (and I honor him for it), has stricken down an important institution in my State without notice and without warning. I simply say that it was an act of discourtesy on his part in the zealous performance of what he regarded as his duty. This Committee of the Whole, I am satisfied, will not sustain a wrong, even unintended, upon fourteen gentlemen who have stood shoulder to shoulder with their brethren in this House in regard to every important question that has come before it. I am satisfied that you cannot and that you will not do it.

Now a word more, and a word that I commend to my economical, my distinguished, and my honored friend from Indiana. The silver handled in Saint Louis last year amounted to \$32,786. The silver handled in Charlotte, N. C., amounted to \$922.20.

Now, is this equality—is this justice? Is this the economy which the gentlemen would commend to the House? Is this that universal right which we all feel should be extended to one man as well as another, whether he be a member of the Committee on Appropriations or a humble member of this House without other distinction than that of being the peer of any other member? These facts, which I submit to the Committee of the Whole without feeling, prejudice, or passion, cannot be controverted. Nearly \$9,000,000 of silver go annually to New Orleans, and if you would not pay 60 cents on the \$100 more for transportation of every dollar of it, vote down this provision of the bill. Keep the assay office in Saint Louis as it is. Adopt my amendment and save \$32,000 in the cost of transportation next year as you did last, and settle the rule that the members of a delegation are entitled to be heard on all questions affecting their State.

The motion of Mr. BURNES to retain the office at St. Louis was agreed to.

UNDELIVERED SPEECH

ON THE FRENCH SPOLIATION CLAIMS.

The following argument was prepared by Mr. BURNES mainly in reply to a speech delivered in the House of Representatives August 3, 1888, by the Hon. JOHN D. LONG, of Massachusetts, upon the French spoliation claims. No exigency arising for the use of the speech of Mr. BURNES, it was never delivered and was preserved among his papers. The document is as well a formidable presentation of truths against the claims as an interesting and valuable treatise upon their history, extent, and reputation. The manuscript is given without alteration—the personal and reference notes being all retained.

THE CLAIMS—THEIR CHARACTER, EXTENT, REPUTATION, AND WITNESSES AGAINST.

COMMITTEE ON APPROPRIATIONS HAVE HAD NO TIME TO EXAMINE EACH CASE—HAVE NOT, IN FACT, EXAMINED THEM—WHY NOT TREAT OTHER CLAIMS THE SAME WAY, ESPECIALLY UNDER THE BOWMAN ACT.

This general deficiency bill contains one hundred and seventy-one claims in favor of certain firms and corporations against France.

Each and every one of them is a claim against the French Republic, and is not a claim against the United States unless the United States has assumed to pay it for value received.

Whether or not the United States are legally or equitably bound to pay them, or any of them, is a question entirely without judicial ascertainment or determination.

They are reported in this bill not by the independent judgment of the Committee on Appropriations, but against such judgment.

In the closing hours of the present session, prior to the usual adjournment for

the Christmas holidays, and while the House was without either committees or rules, and in the absence of many members who had already departed for their homes, a resolution was hurriedly introduced and passed through the House directing the Committee on Appropriations to so report.

Thus forced to action, against which they conscientiously protest, their only remedy was and is to lay before Congress and the country a plain statement of their views, which they have done in a report accompanying the bill, and to move to strike these claims from the bill. This, at the proper time, we will do.

As I have said, there are 171 of these claims in the bill, and 8,983 in the court, according to our best estimate.

The aggregate amount of the present batch submitted is \$741,606.63.

But the aggregate amount of like claims now pending, and which will follow into this House close upon the precedents you are called upon to make, is \$42,332,668.52.

It is believed that one-half of this enormous sum is claimed by certain insurance companies and certain alleged representatives of other companies long since defunct or dissolved.

Of the claims in this bill twenty are in favor of such companies, and they aggregate \$174,481.51.

The Insurance Company of the State of Pennsylvania comes first, with nine claims amounting to \$93,779.51.

The Insurance Company of North America comes second, with five claims amounting to \$59,290.

The New York Insurance Company, per receivers of receivers, is next, with two claims amounting to \$9,940.

The New Haven Insurance Company has one claim of \$3,822.

The Boston Marine Insurance Company, by the intervention of receivers, has one claim of \$3,465.

The Rhode Island Hospital Trust Company has one claim of \$3,300.

And, last but not least in significance, comes the "Pennsylvania Insurance Company, for insurance on lives and granting annuities," with one claim for \$784.

Herein we have a display of "diversified industries," concerning which, in another sense, we have had so much brilliant rhetoric during the past three months. Not only "diversified industries," but we see the foundations for diversified precedents:

An insurance company receiving 30 per cent. of the face of its policy—cash in advance—is to receive from the National Treasury the amount of its loss, although such loss occurred from the precise risks against which it insured.

A hospital or trust company engaged, it is to be presumed, neither in insurance nor in navigation, is to have a status alongside of the public Treasury by hasty Congressional enactment.

And, as if it were not enough to establish precedents for paying from the Treasury of the United States every claim that human life and its obligations at sea can create, we are called upon to go further and make appropriations for the benefit of a life insurance company because one of its probable victims ventured to die while on its rolls.

Of the claims in favor of private persons it may not be useless to note that many of them are allowed to assignees or the administrators of assignees, thereby indicating that traffic in these claims has been in the past something of an industry.

One man, late an insurance broker, represented now by an administrator, appears as the owner of eighteen claims aggregating \$36,578.50, twelve of which were acquired by assignments from twenty-four different persons.

Certain citizens of the United States and corporations—mainly insurance companies—claim now, by their descendants or representatives, that they suffered losses on the high seas at the hands of the Republic of France mainly in the last two years of the last century. These alleged losses constitute the foundation of the claims known as “French spoliation claims.” They are claims against France or they are nothing. They must be, or must have been, valid claims against France or they have no standing whatever, either in law or equity, anywhere.

But before passing from the consideration of that great portion of these claims alleged to be owing to various marine and life insurers I wish to call your attention to views of jurists and statesmen bearing thereon.

United States Senator, afterwards President, Tyler, on December 17, 1834, said of them, speaking in the Senate, in reply to Mr. Webster:

Debates in Congress, Vol. XI, Part 1, page 18 (bottom).

(Wm. R. King.) Debates in Congress, Vol. XI, Part 1, page 150.

(Benton.) Debates in Congress, Vol. XI, Part 1, page 158 (top).

(O. P. Morton.) Congressional Globe, Vol. 92 (1872), pages 298, 299, 302.

(Stewart.) Congressional Globe, Vol. 92 (1872), page 304.

(Scott.) Congressional Globe, Vol. 92 (1872), pages 303, 304.

(Hill.) Debates in Congress, Vol. XI, Part 1, pages 48, 49.

We have thus had a mere glimpse of the general character and the extent of these claims; now let us examine into their *general reputation* among those who were coeval with them or have since made careful inquiry as to such general reputation—not only their general reputation, but their modes of living and their manner of sporadic presentation to Congress.

President Washington, who was bound by every consideration of truth and honesty to speak out in their behalf, if they were just claims, bore indubitable evidence against them by his silence.

President John Adams, during whose administration the spoliations occurred and the treaty of 1800 was made and ratified by the United States, is about the only Massachusetts man on record against these claims.

Jefferson, Madison, and Monroe, each eight years in the presidency and thoroughly acquainted with all the facts involved, were charged with the constitutional duty of communicating to Congress proper subjects of legislation, and for twenty-four consecutive years these three great men failed to see and declare any right in these claimants to payment.

In the Twenty-third Congress the following Senators testified to the illegal and worthless nature of these claims:

B. W. Leigh, John Tyler, Virginia; Silas Wright, N. P. Tallmadge, New York;

Bedford Brown, Willis P. Mangum, North Carolina; Alfred Cuthbert, John P. King, Georgia; Felix Grundy, Hugh L. White, Tennessee; William Hendricks, John Tipton, Indiana; Elias K. Kane, John M. Robinson, Illinois; Thomas H. Benton, Lewis F. Linn, Missouri; Isaac Hill, New Hampshire; John C. Calhoun, South Carolina; George M. Bibb, Kentucky; Thomas Morris, Ohio; John Black, Mississippi; Wm. R. King, Alabama.

In 1846, President Polk, in the most solemn form, vetoed their pretensions to a good and honest reputation.

In 1855, President Pierce, by a like veto message, destroyed the last vestige of a good name for these claims.

In 1872, Mr. Sumner attempted to revive a reputation for these claims, but such an arraignment as they received at the hands of Senators Sherman, Thurman, O. P. Morton, Conkling, and others led to their "going over" for a more "convenient season." In 1882 they received a further discussion in the Senate, and were by Senator Sherman and others utterly destroyed.

Cong. Record, Vol. 59, p. 310.

WAS THERE A STATE OF WAR?

What is war?

Cong. Debates, Vol. XI, Part 1, page 186.

Did such a condition exist, in the relations of the two countries, from July 7, 1798, to September 30, 1800 (during which period nearly all, if not *all*, of these claims arose), as to bring it within the definitions of *Cicero*, *Vattel*, and *Brinkerhoek* just quoted?

First. What acts of Congress were passed bearing upon the subject?

Cong. Debates, Vol. XI, Part 1, pages 183, 184, 185, besides the act of July 7, 1798.

Under these acts of Congress what was done?

Direct taxes were levied upon the people. Loans were authorized and made. Armies to a maximum of 75,000 were authorized and provided for. Navies were enlarged and increased. Ships of war were hurriedly built. Merchant vessels were authorized to arm. Letters of mark and reprisal were issued. The armed vessels of France, which had been so long insulting our flag and violating the treaties between the two countries and the settled law of nations, were met in deadly conflict by the armed vessels of this country. Hard-fought battles ensued. American citizens and sailors had gone down to death, fighting gallantly under the flag of the Republic for their country. Nearly one hundred armed vessels of France were boarded and captured by American valor; but the trophies of the French were mainly the luckless, unarmed, and defenseless merchant-men of our country.

There be men in this generous and light-hearted era who call the greatest and grandest war of all time "*the late unpleasantness*." Resorting to the records of diplomacy, under the ethical influences of *Talleyrand*, we find that even in the

gentleness of the phrase just quoted there is no evidence of advancement in the use of words to conceal thoughts or facts.

Call the condition of things existing in '98, '99, and 1800 what you may, the fact remains that *authorized* conflict, hostilities, and battles occurred; that men were slain repeatedly on both sides, prisoners were captured and held in confinement, and every other circumstance of actual war is admitted.

What is the concurrent and legal evidence of men who lived during the period of the war and have left a satisfactory record of their testimony?

The envoys of France, only fifty days before the treaty of 1800 was signed, in a letter to the American envoys, declared that the act of the American Congress of July 7, 1798, "has been a just provocation of war;" that "the hostile acts which have followed this provocation * * * have been war itself;" that "a new treaty between France and the United States ought, *before all*, to be a treaty of peace," and finally "that the two governments should no longer occupy themselves *with their respective accounts*, considering that the right of war dispenses with repairing its ravages, and that the honor of national arms forbids even to be employed about them, since that state which should have a balance to pay to the other in discharging it would acknowledge a conqueror and would purchase a peace."

Could anything be stronger or clearer?

Joseph Bonaparte, the president of the French Commission, declared within three weeks of the signing of the treaty of 1800 "that if his government should think proper to instruct them to make a treaty on the bases of indemnity and a modified renewal of the old treaties he would resign sooner than sign such a treaty, and that if the question could be determined by an indifferent nation he was satisfied such a tribunal would say that the present state of things was war on the side of America, and that no indemnities could be claimed."

The journal of the American envoys of September 12, 1800, adds that "the other two commissioners made similar declarations."

But on this question there is now no room for doubt.

The Supreme Court of the United States has passed upon and settled it. The opinion of the court is followed by a judgment, not merely advisory but a settlement under the Constitution of the United States by a co-ordinate department of the Government.

I trust I will be pardoned for adding that it is the judgment of John Marshall (and I mean no discourtesy) against the *advisory* opinion of John Davis, of Massachusetts. I cite the case of Talbot *vs.* Seeman, 4 Dallas, 34. The case was first argued at the August term, 1800, a month before the treaty of September 30 of that year was signed and six months before its ratification. It was re-argued a year later, and the opinion of the court, by Chief Justice Marshall, will be found in 1 Cranch, 1.

He says: "It is not denied, nor in the course of the argument has it been denied, that Congress may authorize general hostilities, in which case the general laws of war apply to our situation; or partial hostilities, in which case the laws of war, so far as they actually apply to our situation, must be noticed. * * *

America did remonstrate—most earnestly remonstrate—to France against the injuries committed on her; but, remonstrance having failed, she appealed to a *higher tribunal* and authorized limited hostilities. This was not violating the law of nations, but conforming to it."

Considering that Chief Justice Marshall was himself in the diplomatic service, or Secretary of State, during the war with France and the disturbed period preceding it, the importance of his utterances goes beyond the judgment of the court and speaks to us of events of which he was part and parcel.

If the claimants themselves are to be believed, a state of war cannot be denied, for already the claims filed show that French cruisers captured more than 3,000 of the merchant vessels of this country and outraged the rights of nearly 9,000 American citizens. At what number of seizures do you suppose the Government of the United States would resort to retaliation and war?

It is, of course, conceded by the Court of Claims to be the law that if there were a state or condition of war existing between France and the United States during the period in question the claimants can make no valid claim for the alleged seizures against either France or this country.

As a finality on this question I refer again to the solemn judgment of the Supreme Court of the United States, reported in, 1 Cranch, 1, and call attention to the curious and astonishing fact that the Court of Claims sends an opinion in the claim of William Gray *vs.* the United States, covering forty-four pages, in which the realms of history have been invaded and individual opinions of prominent men have been offered as authority, without the slightest reference or allusion to the opinion of Chief Justice Marshall in the case of Talbot *vs.* Seeman.

This is all the more curious because the court cites the opinion of Mr. Attorney General Lee, given in August, 1798, to the then Secretary of State; the declaration of Edward Livingston, a member of the House of Representatives; the report of Senator Holmes; the opinions of Mr. Giles and Mr. Chambers in reports to the House of Representatives and Senate, respectively; a statement of Mr. Everett in the House of Representatives; a statement of Mr. Sumner in the Senate, and the opinions of the four justices in the Supreme Court in the case of Bass *vs.* Tigg, 4 Dallas, 37.

But not a word of reference to Talbot *vs.* Seeman, although a serious reference is made to what Mr. Clayton, in 1846, said, that Mr. Preston said, that Chief Justice Marshall said, with respect to the obligations of the United States to the claimants. This seems curious.

However, and more curious still, when the opinions of the Attorney General and the justices of the Supreme Court are examined they are found to sustain the judgment in Talbot *vs.* Seeman by holding that war between the two countries did exist.

Attorney General Lee says that there existed with France "not only an actual maritime war," but "*a maritime war authorized by both nations.*"

Justice Moore, in Bass *vs.* Tigg, says: "How can the character of parties engaged in hostility or war be otherwise described than by the denomination of enemies? It is for the *honor* and *dignity* of both nations, therefore, that they should *be called*

enemies, for it is by that description alone that *either could justify or excuse* the scene of bloodshed, depredation, and confiscation which has unhappily occurred, and surely Congress could only employ the language of the act of June 13, 1798, toward a nation whom she considered as an enemy."

Justice Washington, striking at the very point now under consideration, says: "It may, I believe, be safely laid down that every contention by force between two nations in external matters, under the authority of their respective governments, is not only war, but *public war*. If it be decreed in form it is called solemn, and is of the perfect kind, because one whole nation is at war with another whole nation. But hostilities may subsist between two nations more confined in its nature and extent, being limited to places, persons, and things, and this is more properly termed imperfect war, because not solemn and because those who are authorized to commit hostilities act under special authority and go no further than to the extent of their commission. Still, however, it is public war, because it is an external contention by force between some of the members of the two nations authorized by the legitimate powers. *It is a war between* two nations, though *all* the members are not authorized to commit hostilities, such as in a solemn war, where the government restrains the general power."

Chief Justice Chase says: "It is a limited, partial war. Congress has not declared war in general terms, but Congress has authorized hostilities on the high seas by certain persons in certain cases. * * * If Congress had chosen to declare a general war, France would have been a general enemy; having chose to wage a partial war, France was only a partial enemy."

Justice Patterson concurred, holding that the two countries were "in a qualified state of hostilities."

Adding to these declarations the decision in the case of *Talbot vs. Seeman* and we have an undisputed settlement by the Supreme Court of the United States of two propositions, namely:

First. That a maritime war existed by authority of both nations; and,

Second. That the laws of war attach no less certainly to a partial war than to a "solemn war."

Until this decision of the Supreme Court is reversed by itself, Congress ought not to commit itself to policies and payments involving such an immense sum of money and in direct antagonism to the adjudication of the highest court of the Republic. Rather let us wait until that tribunal can review the law and the facts involved without being actually overruled by a mere statutory tribunal at best.

No man prior to 1836 was bold enough, I believe, to make any claim in behalf of these claimants founded upon the law. Mr. Clay, in 1826, intimated that equitable considerations might justify "some compensation to be made."

Mr. Pickering (says the Court of Claims), "who above all others was familiar with the situation and the rights of the parties," said: "It would seem that the merchants have an *equitable* claim for indemnity from the United States."

Although the argument of Mr. Webster in 1836 was intended to establish a legal status for the claims, in order that those of the insurance companies might not be excluded, he seemed to recognize and did virtually admit that compensation should

be made on a principle which recognized only a limited or equitable liability on the part of the United States.

In this connection I call particular attention to the bill which Mr. Webster supported and which passed both Houses of Congress in 1846.

(Here read the bill.)

Thus it is seen that those who began the agitation which has now reached such formidable and dreadful proportions never proposed to do more than ascertain and determine all the claims and their aggregate amount, and then, after they were all so ascertained and determined, \$5,000,000 were to be divided *pro rata* among them, each and every claimant receiving his *pro rata* share in full consideration and satisfaction, regardless of his alleged legal right to a larger amount.

And this bill, so gentle and mild compared with the monstrous proportions involved in the present proceedings, met the determined and successful veto of President Polk, who, in his message, said :

(Here read pages 192-193.)

Nine years later, when the same bill was passed through both Houses of Congress, it met a second and successful veto at the hands of President Pierce, who said :

(Here read pages 237-238-9, 244-250.)

RELINQUISHMENT AND CONSIDERATION.

The Court of Claims, through John Davis, judge, late of Massachusetts, submits to us, in admirable diplomatic phrase, an advisory letter to the effect—

“That said seizure and condemnation were illegal and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United States and the French Republic, concluded on the 30th day of September, 1800; that *said claims were relinquished to France* by the Government of the United States by said treaty *in part consideration* of the relinquishment of certain *national claims of France* against the *United States*.”

But, in fact, no such relinquishment was made by the September treaty or by the action of the Senate thereon. The claim is made that such relinquishment resulted from the striking out of the second section of said treaty by the Senate. Let us look at that section, which is as follows :

“SEC. 2. The ministers plenipotentiary of the two parties not being able to agree at present respecting the treaty of alliance of 6th February, 1778, the treaty of amity and commerce of the same date, and the convention of 14th November, 1788, nor upon the indemnities mutually due or claimed, the parties will negotiate further upon those subjects at a convenient time, and until they may have agreed upon those points the said treaties and convention shall have no operation.”

The insertion of this section in the treaty by the negotiators gave no right to

these claimants—added no strength to their claims. So far as any rights of theirs were concerned, the section might as well have been traced on the sands of the seashore, and when the Senate struck it out of the treaty before ratification it was precisely as if it had never been written—never thought of.

This section so stricken out of the proposed treaty was in palpable conflict with an existing statute constitutionally enacted by the Senate and House of Representatives and approved by the President. Can a right to any one spring up from a refusal of the Senate to violate existing laws? Shall the sovereignty of this Republic be so hedged about that its solemn enactments for the “general welfare” can be construed as affording a right of action against it for trespass or trespass on the case?

The striking out of this section, then, did not relinquish anything to France; did not affect the status of these claims one way or the other; and it undeniably follows that if any interest of the claimants were lessened or destroyed by the abrogation of the treaties prior to that of 1800 it was done by the enactment of July 7, 1798, which was a public statute of the United States, enacted *before* these claims arose, and is as follows:

“AN ACT to declare the treaties heretofore concluded with France no longer obligatory on the United States.

“Whereas the treaties concluded between the United States and France have been repeatedly violated on the part of the French Government, and the just claim of the United States for reparation of the injuries so committed has been refused, and their attempts to negotiate an amicable adjustment of all complaints between the two nations have been repelled with indignity; and

“Whereas, under the authority of the French Government, there is yet pursued against the United States a system of predatory violence infracting the said treaties and hostile to the rights of a free and independent nation:

“*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the United States are of right freed and exonerated from the stipulations of the treaties and of the consular convention heretofore concluded between the United States and France, and that the same shall not hereafter be regarded as legally obligatory upon the Government or citizens of the United States.”

This act is important also as showing that the treaties had been repeatedly violated by France; that our just claims for reparation of injuries committed had been refused; that all attempts to negotiate an amicable adjustment had been repelled with indignity, and that France was then pursuing a system of predatory violence infracting such treaties and hostile to the rights of a free and independent nation. But, above all that, whatever rights of the claimants might or might not be surrendered or relinquished, this law, and not the Senate action in striking out section 2, must be chargeable therewith.

But in a matter where claims to the amount of at least \$30,000,000 are being nurtured here in Washington at the breast of a wet nurse (using the direct language of Senator John Sherman), and where the acute strategy of the claimants at the

very threshold of the present session secured the passage of a resolution through the House directing the Committee on Appropriations to report these claims in the general deficiency bill, it becomes necessary to raise every possible bar to the consummation of a scheme of appropriation and payment the most extraordinary, the most abhorrent, and the most unjustifiable in the history of Congressional enterprise.

Therefore let me undertake to establish additional propositions in aid of the absolute denial we make of the proposition that this Government relinquished these claims to France by the treaty of 1800 in part *consideration* of the relinquishment of certain *national* claims of France against the United States.

The National Claims of France no Consideration.

France had no just claims against our Government of a national character ; but if her pretensions be allowed, then even these pretensions cannot be made a set-off to our private claims, for in any event France owed the United States far more than she ever pretended the United States owed her.

In supporting this proposition I have to notice also some statements made by the distinguished gentleman from Massachusetts [Mr. LONG] in his speech delivered in this House on the 3d instant.

The gentleman says that the spoliations made by France between 1793 and 1801 were not authorized by international law, were in contemptuous arrogance of power, and without justification "*so far as our rights were concerned*;" that our vessels were without any public enemy in the world, and were lawfully engaged in their peaceful pursuits on the high seas, where they were boarded, captured, robbed, and sometimes sunk, with millions of our property taken and confiscated. Our Government, he admits, "continually protested and demanded satisfaction. For years negotiations were pending, but we were met by a *counter-claim* by France. Her claim was that we agreed to *guarantee* to France her West Indies possessions, and to grant France exclusive privileges in our ports, and that we had plainly violated these agreements to her great damage. *These were the two respective and opposing claims that were then pending.*"

1. The gentleman *intimates* that, outside of the rights of the claimants, France *had justification* for her spoliations between 1793 and 1801—that is, that our Government had so wronged France as to justify her seizures of American vessels, her captures, her robberies, and her confiscations. It is, I think, a fair inference from what he said. Having charged our Government with *dishonestly* delaying the payment of these claims and with the further crime of *robbery*, the comparatively mild inference made would seem to be clearly justifiable.

This intimation of the gentleman has an "ugly," if not a "scandalous," look—more so than the groundless charge of repudiation so unjustifiably made by the gentleman against those of us who want the Supreme Court to pass upon these claims before payment of them is made.

Be that as it may, the gentleman by this intimation is in conflict with the several enactments of Congress in the early part of the year 1798 declaring the

United States "the innocent and injured party" and France the aggressor and wrong-doer. He is also in conflict with glorious old John Adams, who, as President, approved such enactments, and with the immortal Thomas Jefferson, who assumed the Presidency in 1801. And it should be added that each one of those illustrious patriot Presidents lived until 1826 without a suspicion that France was the *justifiable* destroyer of our commerce on the seas, and went "down to their graves" unconscious that their Government had "*dishonestly* delayed" the payment of these claims or had "robbed" these claimants; and, least of all, unconscious that sixty-two years after their spirits had been received into the central midst of heaven an American Congressman, a representative, too, from the time-honored Commonwealth of Massachusetts, would stand in his place in the House and stigmatize the work of their clean hands and pure hearts as in line with dishonesty and robbery.

The gentleman makes an admission in the quotation I have just read from his speech—an important admission, in view of a suggestion made in another quarter—to the effect that the Government might be liable in consequence of acts of omission, namely, that the Government did not press the payment of these claims with sufficient energy on France—a charge which Mr. Webster himself refutes.

The admission of the gentleman from Massachusetts is that "our Government continually protested and demanded satisfaction. For years negotiations were pending."

Continually—mark the word! *Continually* protested; *continually* demanded satisfaction. What more could it do? What would the gentleman have had it do? Was not *continually* protesting and *continually* demanding satisfaction with years of negotiation enough?

But the gentleman, as if he sought some compensation for the frankness of his admission, plunges immediately into an egregious error. Following directly the admission I have noted, he says: "But we were met by a *counter-claim* by France." This counter-claim he describes as, pure and simple, the so-called "*national* claims of France," and adds: "These" (meaning the claims under consideration and the "*national* claims of France") "*were the two respective and opposing claims that were then pending.*"

The gentleman from Massachusetts is mistaken; or, more properly, has made a mistake. These were not the "*two respective and opposing claims,*" and I demand some proof to support the statement. The very appendix to the speech of the gentleman (CONGRESSIONAL RECORD, p. 7943) proves the inaccuracy of the gentleman's statement. Read, Mr. Chairman, in the RECORD of August 4, the instructions of this Government to Messrs. Ellsworth, Davie, and Vaus Murray, our ministers to France, of date October 22, 1799. There the whole matter is definitely stated officially to the effect that France had *national* claims against the United States, and that the United States had *national* claims against France; that the national claims of the United States against France were in excess of the national claims of France against the United States; but that, because national claims were less definite than those of individuals and more difficult to adjust, *national claims on both sides* might be *relinquished.*" The national claims of France and the in-

dividual claims of these claimants were NOT "the two respective and opposing claims that were then pending."

Here let me say, and the entire record is replete with evidence sustaining it, it was—

FIRST.

1. NATIONAL CLAIMS *vs.* NATIONAL CLAIMS.
2. WAR CLAIMS BY AMERICAN CITIZENS *vs.* FRANCE.
3. WAR CLAIMS BY FRENCH CITIZENS *vs.* THE UNITED STATES.
4. NON-WAR CLAIMS BY AMERICAN CITIZENS *vs.* FRANCE.
5. NON-WAR CLAIMS BY FRENCH CITIZENS *vs.* THE UNITED STATES.

These are the divisions and designations which have been too long mixed up indiscriminately in a common conglomeration called "French spoliation claims." But France had no national claims.

The neutrality proclamation of President Washington was no violation of the treaties of 1778.

1. Alexander Hamilton, *Federalist*, p. 561, 58.
2. Washington, himself, message of November 19, 1794, 181.
3. The United States Senate's reply to proclamation, December, 1793, 180.
4. The House of Representatives, reply to proclamation, December, 1793, 181.
5. France did not want us to enter the war, 59.
6. The fact that France began the war with England, and that the treaty of alliance related only to defensive and not offensive war was enough to justify the proclamation of neutrality, 58. (See above, Hamilton on Vattel.)
7. Then, France never requested our aid; never wanted it. We were not bound to give it unless requested. We were not bound to give it at all, as the war was offensive on the part of France.

Until you brand Washington—the father of his country, the man who *could not* tell a lie—with both falsehood and bad faith, you cannot claim that France had any right to complain at the neutrality of this Government in the war of France with England and nearly all the nations of Continental Europe. If she lost her islands of Guadaloupe and Martinique by that war, she must blame herself for beginning it.

But the branding must not stop at Washington; you must brand Jefferson and Hamilton and Edmund Randolph, for as members of Washington's cabinet they endorsed and advised the proclamation of 1793, declaring neutrality for this Government.

Further, you must brand the unanimous membership of both the Senate and House of Representatives of the United States in 1793, for they fully approved the proclamation.

In short, you must brand the whole and every Department of the Government of the United States in that year and, besides, the Government and representatives of the French, who never requested us to help them by war, and preferred that we should feed them as a neutral power.

Then, assuming that no gentleman here is willing to enter upon the branding

business upon a scale so large and imposing, and that the words of Washington will not be rejected by even the wise, if somewhat perverse, generation around us, I submit that France had no national claim arising out of our neutrality in the war of 1792 and '93.

It need only be inquired further; Had France any national claim against the United States on account of the Jay treaty of 1794, which granted privileges in our ports to Great Britain reserved as exclusive to France by the Treaty of Amity and Commerce of 1778?

It is a well-settled rule of international law that where one nation violates a material provision of a treaty with another nation, such other nation may lawfully disregard any other provision its interests may require.

France violated two most material provisions of the treaty by the decree of its National Convention of date May 9, 1793. What were those provisions?

Article 23, Treaty of Amity and Commerce, 120-'21.

Article 24, Treaty of Amity and Commerce (contraband), 121.

Decree of National Convention of 1793, 37.

Here, then, were provisions which, in the midst of a general European war, were worth one thousand million dollars to our merchant marine, annulled and set aside without the slightest notice or warning to this country. When this edict was declared everything of material interest to us in the Treaty of Amity and Commerce was gone, and the treaty, so far as we were concerned, was no more than a dead letter. The Jay treaty became a lawful resort. France was without right of complaint and, I believe, never did seriously complain of our method of redress for the injuries and wrongs done us by the edict of '93.

It follows, therefore, that France had *no* national claims against the United States, and consequently that the pretense of national claims was *not* a consideration valuable, in law or otherwise, in whole or in part, for a relinquishment to her of anything of value.

UNITED STATES NATIONAL CLAIMS AGAINST FRANCE.

But we had valid, tangible national claims against France—great claims, just claims.

Article 23, Treaty of Amity and Commerce, 120.

Article 24, Treaty of Amity and Commerce, 121.

These were violated and destroyed, as we have seen, by—

1. The decree of 1793, 37.
2. Decree of ex directory, July 2, 1796, 37.
3. Decree of ex directory, March 2, 1797, 37.
4. Declaration of minister of marine, April 30, 1797, 37.
5. Decree of council of 500, January 11, 1798, 37.

To the damages sustained by us in consequence of these edicts and decrees by the French Government must be added those resulting from our expensive preparations for war, as shown by the numerous acts passed by Congress in 1798, 1799, 1800, and those that are lawfully implied.

As to our national claims against France and as to France's pretensions against the United States, see instructions to Messrs. Ellsworth, Davie, and Vaus Murray, October 22, 1799. (Congressional Record, 50th Congress, 1st session, page 7943.)

On these instructions I submit the point. If France had national claims the United States had more than enough to offset them.

The envoys were empowered to settle *national* claims for *national* claims—not *private* claims for *national* claims—and in my opinion they successfully complied with that authorization.

WAS THERE A CONSIDERATION?

There was no consideration if war existed between the two countries in 1798, 1799, or 1800; that is certain.

It is equally certain that no consideration existed, if Washington had the right to issue his neutrality proclamation, for if that were not a violation of the treaties of '78 the decree of May 9, 1793, was almost a total violation of them, and all that followed was lawful on our side and unlawful on the part of France.

Besides the treaties were extinguished by the act of July 7, 1798. This law existed prior to the existence of 90 per cent. of these claims, and every citizen must know the laws of his country.

Absolutely extinguished by *law*, in 1798, how could their *extinguishment* by the *treaty-making power* become a valuable consideration to our Government in 1801?

As gentlemen have resorted to the opinions of distinguished and learned men on this subject, may I not appropriately do likewise?

1. General Washington accepting command, 65.
2. General Washington's message, December 5, 1793, 65.
3. Pinckney, *Marshall*, and Gerry, February 7, 1798, 65, 66.
4. History, by M. Marbois, 54.
5. Senator Sherman, Vol. 92, 244, 245.
6. Chief Justice Marshall, Vol. 92, 250.
7. Mr. Madison, Vol. 92, 250.
8. Mr. Benton, Congressional Debates, 152, 153.
9. Mr. Benton's motive, tariff compromise, 159.
10. Senator Thurman, Congressional Globe, 92, 247-249.
11. Senator Silas Wright, January 8, 1835, 126.
12. Articles 4 and 5, treaty of September 30, 1800, 130.

"During the last eighty years it (this bill) has been favorably reported to Congress some forty or fifty times by successive committees."

If the gentleman had been entirely disingenuous, and I mean no disrespect, he would not have made the statement I have quoted.

This bill, in form or substance, was never before any committee of Congress until now.

No member of Congress—no report in either House—pretended to claim any legal status for the claimants until 1836, when Mr. Webster, in behalf of the insur-

ance companies interested, made his speech in the Senate claiming such legal status.

Ten years later, when his bill was passed, and vetoed by President Polk, its provisions show that he had abandoned his former argument and accepted the more reasonable suggestion of making some equitable settlement.

"It was, indeed, vetoed by President Polk, but, if I remember aright, mainly on the ground that the country, then under the heavy expense of the Mexican war, could not easily add to its financial burden."

The gentleman does not remember aright. In a reference so important, and when to "remember aright" was so easy, he should not have been wrong.

It is true the President referred cumulatively to the Mexican war as follows: (Page 192.)

But that was a mere incident of the veto. Hear the President on the merits: (Page 193.)

Mr. Chairman, how did these solemn utterances of the President escape the notice of the learned gentleman from Massachusetts?

"It was afterwards vetoed by President Pierce, but *his argument against it has been so overwhelmingly overthrown* by the *repeated determinations of Congress* and recently by the *solemn judgments of our courts* that the last obstacle now in the way of its righteous consummation can only be an obstinate refusal on the part of its opponents to pay an honest debt."

The gentleman is too accurate in the use of language to have reference to any prior determinations by Congress overthrowing an argument made subsequent to them.

But no such prior *determinations* by Congress were ever made; none, prior or subsequent.

But the gentleman says President Pierce's argument has been overthrown "recently by the *solemn judgments of our courts*."

Is this the fair and reasonable language of disinterested contention over a subject-matter of cool and deliberate legislative inquiry?

Solemn judgments! How many? When and where did "our courts" sit to render such "solemn judgments?" How many of "our courts" rendered such "solemn judgments?"

If the gentleman will show us *even one* solemn judgment by *even one court* of the United States we will consent to incorporate it in this bill, and pay it.

The gentleman ought to rewrite the sentence of his speech just quoted. If he should do so, it will read about as follows:

"It was afterwards vetoed by President Pierce;" but his argument against it could not have been overwhelmingly overthrown by the repeated determinations of Congress for the unfortunate circumstance that *Congress has never made any such determinations*, and "recently by the solemn judgments of our courts," for the further misfortune that not a judgment, solemn or jolly, has ever been rendered, even by any one of our courts. And, if no *one* court has rendered *one* judgment, it painfully follows that no *more* than *one* court has rendered any judgments, solemn or otherwise.

Until the gentleman shows us some such judgment he might safely reserve *his* opinion that our obstinacy is the *only* obstacle in the way of paying an honest debt.

"On request the court has even reopened the case, heard further and with more elaborate argument, and has a *second time*, with the same unanimity and with added emphasis, *affirmed its first judgment*. Its *awards* carry no interest, though payment has been *dishonestly* delayed *nearly a century*, and though the men whose government robbed them have gone down to their graves."

How can emphasis be added to a judgment which was never rendered? How can a judgment never rendered be twice affirmed? The emphasis would be an *execution*, I suppose, but it is not clear how such a judgment could be twice affirmed. But the gentleman takes one step toward repentance. Deploing the loss of interest, he calls his judgments *awards*. True they are no more awards than they are judgments, but calling them awards is an evidence that the gentleman is progressing to the naked fact that they are neither judgments nor awards, but simply letters of advice and cogitation by Judge John Davis *et al.*

The usually smooth and placid gentleman from Massachusetts shows a ruffled and a rancid temper when he says "payment has been *dishonestly* delayed nearly a century." Shades of Quincy and Faneuil Hall defend us! Grand old John Adams, who lived until 1826 and never spoke a word in his life in favor of such payment, is fortunately beyond the reach of this grave charge—more grave than any of the thousand calumnies with which he was unjustly assailed in the memorable campaign of 1800; and made, too, by the immediate representative of his illustrious family and of his honored tomb—"et tu Brute."

The meaning of the gentleman's language, then, necessarily is that the government of John Adams, Thomas Jefferson, Madison, Monroe, John Quincy Adams, Jackson, Van Buren, Harrison, Tyler, Polk, Taylor, Fillmore, Pierce, Buchanan, Lincoln, Johnson, Grant, Garfield, and Arthur, who are all in their graves, are involved in this arraignment for robbery, for none of them ever recommended such payment to Congress. Hayes escapes. None save Hayes.

The gentleman says: "Not to pay them (the claims) now is repudiation—ugly, scandalous repudiation."

In the case of an individual he must *owe* a debt before he can repudiate it. A government stands upon the same footing. If a claim against either is only a debt in the opinion of A, B, C, and D, or if the claimant refuses to give the alleged debtor a fair trial in a court of last resort, where judgment can fall decisive and irrevocable, he has no right to call his claim a *debt* or to charge repudiation where only a dispute exists. In behalf of our whole people we dispute your claim and say it is not a debt. We ask you to give the tax-payers of the Republic a chance to litigate with the claimants in the Supreme Court of the United States whether or not you are right or we are right in our dispute and contention. If that august tribunal sustains these claims their payment is assured. Would you want them paid if such a judgment were rendered against them? I don't know. I do not charge any one with dishonesty in this matter, and have no right to do so. One of the most striking and convincing circumstances to show that these claims should not be paid until they have been passed on by the Supreme Court was ably pre-

sented on Friday by the learned jurist from Arkansas [Mr. ROGERS] in the fact that now, after three years of constant investigation, the Department of Justice, the Law Committee of the House in the 49th Congress, and precisely one-half of our present Committee on the Judiciary honestly and determinedly differ from the advisory findings of Judge Davis, and demand a final determination by our highest court.

At all events, repudiation cannot be charged when such authorities deny the validity of the claims and ask for a real adjudication. Those of us who have meager time to scan the entire record of war, history, diplomacy, statecraft, and law involved in the pending issues must acknowledge at least an honest doubt and decide for the best and highest adjudication. Let me put a question to the conscience of each representative on this floor: Suppose you were acting in a fiduciary capacity and were called upon to pay a very large sum of money out of the trust funds in your hands. Intending to do right and make no mistake, you consult all the lawyers and statesmen within your reach, and find that about one-half of them advise you to make the payment and the other half, with equal earnestness, advise you not to make it, but to protect yourself by the judgment of a court of competent jurisdiction, and by appeal to the court of last resort. What would be your decision? I hope every member will answer this question to his conscience and his constituents.

But the gentleman says that not to pay these claims now is repudiation—*ugly, scandalous* repudiation.

Why *ugly*? How *scandalous*? Had he not better say that to pay them now—that is, to pay the first batch for precedent's sake and leave all the rest uninvestigated and unknown, aggregating a total claimed of over \$40,000,000 of money—will work a scandal of unparalleled virus and fatality? Those of us who with just pride of ancestry stand with our forefathers and with the fathers of our Republic will escape, although they stand charged by a son of Massachusetts with having *dishonestly* delayed the payment of these claims, and their Government with robbery.

The gentleman is not happy over the views of a majority of the Committee on Appropriations which accompany the bill in the nature of a report. He says he does not even know who drew it, and adds:

"I presume, too, that some of the gentlemen who signed it did so with only a hasty reading of it and with no contemporaneous study of the argument on the other side, or of the opinion of the court, which is dead against the statement they have signed. In short, Mr. Chairman, it is simply a reproduction of some of the arguments of counsel, and has been not only refuted by the forty or fifty previous reports of Congress and by the declarations of Madison, Clay, Marshall, Webster, Sumner, and others, but it is now declared by the court itself to be unfounded and entirely in error."

If it be true, as the gentleman asserts, that of the nine members of the committee who signed the report some were unable to give it but a hasty reading and no contemporaneous study of the arguments on the other side or of the opinions of the court, I ask each member of this House, Have you had time to investigate the evidence and the arguments of these claims or the voluminous opinions of the judge of the Court of Claims, and have you done it? Are you prepared to deter-

mine the facts and the law in each case of claim with sufficient certainty to vote for precedents that \$40,000,000 of other claims now on the records of the Court of Claims will be quick to follow?

The gentleman in his criticism of the members of the committee who signed that report concedes everything we are asking for, namely, that a majority of this House have had no time to study the records bearing upon these claims, and will, therefore, postpone payment of those reported in the bill until all are passed upon, the amount ascertained, and the judgment thereon is taken of the Supreme Court of the United States.

The gentleman says that "the declarations of Madison, Clay, Marshall, Webster, Sumner, and others refute the report of the Committee on Appropriations."

I deny, now and here, that Madison or Marshall ever uttered a word in favor of paying these claims or ever wrote a line that refuted a single proposition in the report accompanying this bill. This is a plain answer to a plain statement or allegation. The burden of proof is upon the gentleman from Massachusetts, and he controls the time on his side.

Even Mr. Clay, whose great mind and patriotic heart were filled with organic sentiments of compromise, never said more on this subject than to submit to the Senate, in his report of May 20, 1826, the question "whether equitable considerations do not require *some compensation* to be made to the claimants." Is that a refutation of our report as stated by the gentleman?

The gentleman says that the statement that these claims aggregate \$30,000,000 to \$40,000,000 is a bugbear, but that even if it were true it would be "unworthy of an *honest* government to let it stand in the way of paying an honest debt, unless we adopt the convenient policy that the more a man embezzles the more reason there is why he should go scot free."

The gentleman from Arkansas [Mr. ROGERS], in connection with his argument on Friday last, has printed (page 7945) an official letter from the Department of Justice giving a careful estimate of the aggregate amount of claims already filed in the court, and it reaches the startling figures \$42,332,668.52. Although the court will reject some of these claims and materially reduce the amount, there is no hope or expectation that the amount that will be allowed will fall below \$30,000,000.

The bugbear of the gentleman is *no* bugbear, in the light of this official communication from the Department to the honorable gentleman from Arkansas.

Besides, the gentleman gave us a statement of what would be "unworthy of an *honest* government" in this connection, and intimated that to pay less than the full amount that may be favorably reported to us by the Court of Claims would be embezzlement on a wholesale scale.

What will the gentleman think when I remind him that he is denouncing Mr. Webster, and what will the good people of New England think when they read the harsh judgment of the gentleman, that Mr. Webster, who advocated and passed a bill through both Houses of Congress constituting a commission to first ascertain and determine all the claims and then to apportion \$5,000,000 in land scrip, not money, nor its equivalent, but land scrip, *pro rata* to all the claimants, and expressly

requiring each one to file a relinquishment, satisfaction, or abandonment of his claim in excess of such *pro rata* payment?

And that is precisely what Mr. Webster did. If the gentleman is correct another New England idol is cast down, a shattered ruin. If he is not correct, God save him from a righteous indignation.

The gentleman from Massachusetts quotes the second article of the treaty of 1800, and says :

"In other words, each side recognizing the existence of the claim of the other, to wit, the claim of American citizens on account of French spoliations, and the claim of France on account of our violations of the treaties of alliance and commerce, it was agreed that these claims should await further negotiation at some future convenient time."

Here is ingenuity of statement by the gentleman which, carefully considered, involves an admission of an important fact sometimes by less cautious persons than the learned gentleman from Massachusetts denied. He says: "Each side recognized the *existence* of the claim of the other."

Of course, the *existence* of the claims on both sides was fully recognized; but the gentleman does not pretend in this connection to say that their validity, legality, or justice was recognized by France.

The *existence* of the claims on each side was never denied; the validity of these claims was never admitted by France; on the contrary, as we have repeatedly seen, since this debate began, France steadily and firmly repudiated these claims now in controversy, and notoriously announced her determination never to pay them.

The gentleman says: "*Mr. Ellsworth, acting by authority,*" offered France 8,000,000 francs (about \$1,600,000) in satisfaction of her national claims.

Now the truth is, Mr. Ellsworth had no such authority. He was instructed by this Government that our *national* claims were in excess of those of France, and that the extent of his authorization should be our national claims for France's national claims; and I assert here that article 2d of the treaty of 1800 does not have reference, *necessarily*, to the private claims for spoliations. It has reference to the "indemnities mutually" (*mutually* means France and the United States as parties in their respective sovereignties) "due or claimed." If this view needs any support we have it beyond mistake in the fact that by the terms of the article the United States was *practically* released from the treaties of 1778 and the consular convention of 1788, because it was therein agreed that "until the two parties *may have agreed* upon those points the said treaties and convention shall have no operation."

The gentleman thus emphatically declares that the adverse report accompanying the bill, signed by nine of the fifteen members of the Committee on Appropriations, and arguing that the Government relinquished nothing of value belonging to the claimants, that France never would have paid the claims, "is a *contemptibly unpatriotic and cowardly* admission," and he says he does not believe that "*it will weigh even in the days of this administration.*"

I will not bandy words with the gentleman. If it suit his heated zeal to use such

language as "contemptibly unpatriotic," as "cowardly admission," towards his nine colleagues on the committee, they can bear it better than he can afford to use it. They can do this all the more cheerfully, if not proudly, because of the wanton and unpardonable fling he makes at the President of the United States, to speak of whom in connection with cowardice or timidity or as "contemptibly unpatriotic" is to arouse all good citizens to derision, if not indignation. Whatever partisan hatred may lead men to say of the President, no one until now has ever pretended even to doubt his Jacksonian courage, and but few indeed ever dared to deny his undoubted love of country.

Why this miserable fling at the President *in advance*? He is a part of the law-making power and the chief of a co-ordinate branch of our Government.

Perhaps the gentleman did not "love (the claims) less, but he loved (to abuse and denounce) the President more." Whatever may have been his motive (and I care not what it was), I tell the gentleman his language was not appropriate to his own high position, nor in harmony with the calm and dispassionate judgment of the people of our whole country, nor of that of his own State of Massachusetts, nor was it justified by the facts.

Mr. Chairman, in this extreme heat, it is some relief to observe the coolness with which gentlemen assume to be wiser, better, and more honest than the great statesmen and patriots of the Republic who laid its foundations in the integrity of the people. They—all who were charged with the administration of the Government since 1792—are presented to our country to-day as dishonest delayers of the payment of just debts and with allowing their government and ours to rob these claimants and those who were contemporaneous with all the facts and circumstances bearing upon the rights and duties of the Government to its citizens, including Washington, Adams, Jefferson, Madison, and Monroe, are set down as either knowing less than ourselves of matters within their sworn keeping and protection or as lacking fidelity and integrity in the administration of the General Government.

I do not envy that man who is so organized as to be able for a moment to indulge in the assumption that all the honesty, all the truth, all the devotion to the payment of just debts, together with wisdom so vastly superior to that of the authors of our independence, the framers of our Constitution, and the immortal defenders of liberty throughout the world, have been reserved for members of the 50th Congress of the United States. He is deluded. His vanity has paralyzed his judgment and discretion, and the just fame of our honored forefathers cannot be thus disturbed.

SPEECH OF WELCOME TO THE PRESS ASSOCIATION OF MISSOURI,
IN TOOTLE'S OPERA HOUSE,

ST. JOSEPH, MAY 10TH, 1882.

Mr. President, Ladies and Gentlemen of the Press Association of Missouri :

It is ever a most pleasing duty to speak the unanimous voice. The fifty thousand inhabitants of our twenty square miles of municipal territory authorize me in their names to bid you a hearty welcome to the city of St. Joseph. The representatives of the city government and our able and indefatigable board of trade, whose special guests you are, give official sanction to the hospitable emotions of every individual heart.

St. Joseph takes pride and enjoys a real pleasure in receiving even an ordinary guest. How happy we are, therefore, to-day in receiving and entertaining so many hundreds of the useful, thoughtful, and honored representative men and women of Missouri is suitably expressed by the emotional Psalmist in whispered cadence, "Let the floods clap their hands ; let the hills rejoice together."

St. Joseph expects me to tender to you the broadest possible hospitality unconnected with any unsavory dish of idle compliment or undignified flattery. I regard it as no departure from this public expectation to say that St. Joseph receives you with profound respect for your useful and noble profession, with great personal esteem for your individual characters, and with undissembled gratitude for your constant and faithful public work for the success and advancement of everything that you believe to be good and true and pure.

Devoted like others to the private duties and labors of life, you are yet away beyond them, and beyond us all, in systematic, continuous, and efficient labor for the highest good of our common country and the elevation of mankind. You are educators in the best sense of the term, for you are constantly acting upon and moulding human thought and expression and giving tone and strength to moral convictions that govern human action. You are continually destroying the fallacies, fancies, and hobbies of men by argument, ridicule, sarcasm, wit, wisdom, and humor, all of which are honorable weapons in your intellectual warfare. If they ever kill they also "make alive." With "malice toward none and charity for all," you sometimes wound and bruise and blister, but only to heal and cure and elevate. Mightier, indeed, than the sword, your pen strikes blows that lift the oppressed from beneath the oppressor's heel, revive the faint and weary-burdened, and deliver the guiltless from bonds. With knightly honor you champion the cause of virtue and innocence and dash headlong to destruction any monster who dares to assail it. The poor wisely lean upon you for safety and protection, and the rich have better titles through your defense and support than in records that public opinion alone can make or sustain. The suffering and the sick rely upon you with

confidence for sympathy and solace, and the last best public words for the dead you are expected to utter. The messenger of the last proclamation on earth, coming somewhat after the fashion of a newspaper man, may regard your present modes and means of circulating news as limited or insignificant, but the good works and manifold sacrifices of newspaper men for humanity's sake may well cause the grand old Archangel to open wide the door of your reception to an eternity of entertainments and hospitalities where there are neither wrongs to be redressed nor copy to be prepared.

Representatives of the press, you are also citizens and representatives of Missouri—our grand and glorious State. Your love for Missouri is a vindication of her good name from every aspersion. Neither demagogues nor the agencies of adverse interests can successfully malign her or drive us to a defense she does not need. Needing neither defense nor eulogy, Missouri rests upon her record and resources, and the honor and devotion of her sons and the purity and loveliness of her daughters.

Mr. President, the Association and yourself will pardon me if I detain you for a few moments with words or thoughts descriptive of St. Joseph and her people, to whom I shall soon beg your leave to present you. That they may be at once defended from any suspicion of the immodesty of self-praise, I take occasion to say that, residing outside the city limits, I feel justified in speaking freely of those residing within them.

Fronting six miles on yon noble but turbulent river and extending eastward with beautiful and fabled elevations for an average distance of over three miles, St. Joseph can in truth enumerate an actual permanent population of fifty thousand souls.

This beautiful temple of art, dedicated to Thespis, and now filled with your hosts and Cicerones, the beautiful women and gallant gentlemen of St. Joseph, is at once a monument of the public spirit of one of our first citizens and a sample of the broad and liberal enterprise of all.

When you go from this place to the homes of the citizens you will find that judgment, taste, culture, and skilled architects united in planning and erecting their residences, whether those of the merchant princes or the skilled mechanics, the professional men or the thrifty sons of manual labor. In no single instance will you find the pitiful ostentatiousness of uncultured wealth, the desire of mere display, or the sacrifice of neatness or modesty to vulgar show. Within each you will find home, always the dearest place on earth, when loved and prized as it ought to be. Everywhere health, cleanliness, convenience, comfort, and good cheer. Add to these lovable, pretty children and a hospitality that reminds you of your first mother, and there is not a domicile in St. Joseph where you can fail to find enjoyment and happiness.

In the mercantile houses of St. Joseph, wholesale and retail, you will find every known fabric on the earth. In charge are men who have made for St. Joseph a name that is everywhere a synonym for integrity and honor, and who have built up an established trade and commerce that exceed, as I am informed, the combined jobbing trade of every city on the Missouri river from St. Charles to Sioux City.

If you will carefully visit all the manufacturing establishments and workshops of St. Joseph you will find nearly every known industry represented, although many are yet in their infancy. As a whole they are extended and imposing, and indicate a period in the near future when St. Joseph will be the undoubted center of manufacturing industries west of the Mississippi river.

In this State, where everything that enters into the cost of manufacturing is abundant and cheap, manufactories ought to abound and manufacturers ought to be multiplied. Every city and town represented here to-day could beneficially and profitably maintain a large number of manufactories, and if you, gentlemen of the press, will carry to your homes a full knowledge of what St. Joseph has done and is still doing in this direction it will be but a short time until the whole State will feel the benefit and blessing of your present visit to her great manufacturing center, St. Joseph.

Closely allied to these manufacturing and commercial interests, the railroads of St. Joseph are performing great and generous work for the prosperity and progress of the city. Reaching out in every direction to carry away the vast supplies needed in North Missouri and the States and Territories north, south, and west of us, they bring back the products of those States and Territories for sale, consumption, and manufacture. The volume or extent of the railroad business of St. Joseph, the facilities for doing it, and the number of men actually employed in the various departments will interest and astonish you, and as our chairman of the committee of arrangements, Colonel Dawes, is himself one of the best posted railroad men of the State and, distinguished alike for his courtesy and his hospitality, he will doubtless be happy to receive and conduct you through the offices and shops of the great line he represents. These will give you a very fair idea of the business and works of the other lines.

St. Joseph's grand and truly magnificent union depot, larger and grander than the splendid union depot in St. Louis, stands almost an animate, speaking monument to the enterprise of our people, and especially of our board of trade. The celebration of the completion of this great structure was postponed, in your honor, until this day, so that each and every one of you may feel a personal, individual interest in the most magnificent and beautiful passenger depot in the valley of the Mississippi. Much of the success of this great public work is due to a modest but able attorney of this city, Mr. Judson, whose enterprise and public spirit, a careful study of Blackstone, Coke, and Kent, and the labor of a large and successful practice can neither chill nor destroy. He will open wide for your entertainment every door in the grand structure.

In many respects the people of St. Joseph are great, especially in those things that are useful and practical. It was practical men of St. Joseph in the St. Louis-Mississippi River Convention who laid the foundation of the Missouri River Convention and led up from the begging of cowardly pittances for the improvement of our great river to an appropriation bill therefor of one million dollars, and the just and patriotic utterances of the able President of the United States favorable to the appropriation of all that may be needed. We do not overleap partisan prejudices to thank him; we just simply choke them to death. An interest so vast makes us all akin.

If you had dropped in on us only a month ago you would have thought the people of St. Joseph great, even in local differences and contests. The storm then raging betokened to the casual observer no such goodly day as this. The doom of Sodom was the doom of the city, whichever of the warring hosts succeeded ; but, as in all such cases, the storm subsided. The municipal ark rested safely on our own Ararat, and a delivered people came forth with righteous acclaim—for have we not read *vox populi vox Dei*?

When, in the fullness of time, the most noted bandit of the country had to fall and die, where else in all this broad land than upon yon high and beautiful slope, once a promontory of the great river, could he have fallen, unless he had fallen sooner, with greater advantage to his State and country. Old age and gout might have carried him to his grave forty years hence, with all his crimes increased by annual multiplication, had he not ventured to take up a residence in St. Joseph, where "the way of the transgressor is hard" indeed, and his punishment sure and certain.

The great iron bridge that connects Missouri with the temperate zone across the Missouri river and firmly anchors St. Joseph at the foot of the Rocky Mountains will carry you freely and safely over into the somewhat exclusive realm of a modern saint, where the wicked (traffickers in wine) cease from troubling, and the weary (sons of Bacchus) are at rest.

Mr. President, we trust you will look over and examine our several long lines of street railways, all under successful management. Go to our pork and beef packing-houses, where all the year round the work goes on—as well in summer as in winter. Visit the stock-yards, grain elevators, and public and private warehouses, and see the extent of St. Joseph's facilities for handling the vast products of the vast country tributary thereto. Go down, not quite to the center of the earth, into our cellars, where are stored the cooling product of our rye and barley, superior to any manufactured in Milwaukee or Cincinnati. Once there, "sufficient to have stood, though free to fall," resist the courteous hospitality of the gentlemanly proprietors if you can.

The public schools of St. Joseph are the especial pride of the city. Their doors will open at your approach, and an able president, a faithful board of directors, a superintendent and teachers of great worth and culture will take delight in showing you respect and honor. It is the sincere belief that these schools are not excelled anywhere in the United States.

The numerous churches of St. Joseph, representing all denominations of Christians and causing the Gospel of Peace to be proclaimed in many foreign languages as well as our own, will command your attention as they do your confidence and respect.

There are two other public works of which some mention should be made. I allude to the grape-sugar refinery and the water works. The first, like everything else in St. Joseph, is on a broad and liberal scale. Nearly two thousand bushels of corn are daily consumed, and the sugar and syrup product, with reputations for superiority already widely established, are so eagerly sought for in the markets of the country that the demand is far beyond the immense supply. The

enterprising gentlemen who control this great manufacturing industry can entertain you for hours, in prose or verse, explanatory of the wonderful and complicated machinery that keeps in one continuous motion the whole of the vast establishment.

The water reservoirs are constructed at an elevation over three hundred feet above low-water mark. The engines and pumps are on the bank of the great river, from which the supply of water is lifted. Nearly twenty-five miles of main pipe, with thousands of small arteries and connections, conduct the purified element entirely through the city, from north to south, and along all of the principal lateral streets. A display of the power and pressure of the water in these pipes as a means of fire protection will be made for your pleasure and observation at such time as may suit the convenience of the city authorities and the able and efficient firemen, of whose promptness and skill the whole city is proud.

And so, Mr. President and gentlemen, at this point it seems fitting I should leave you, although but fairly in the middle of my story. Those of you who have honored me with your attention are likewise half-way between. Yonder, three miles to the north, is our water supply; three miles to the south is our sugar supply. Here, midway between the two, with long iron straws connecting the water with the sugar, you have only to call for the third ingredient of a mixture that many pronounce a specific for editorial somnolence.

Mr. President, ladies and gentlemen of the Association, it only remains for me to welcome you again to St. Joseph; welcome to every public and private edifice and institution of the city; welcome to attentions and hospitalities that money can never purchase; welcome to homes in which truth and honor reign and dwell; welcome to a sincere fraternity of friendship that, we trust and believe, will extend deep into the future.

And now, citizens of St. Joseph, if you will please arise I will present you the representative of the Association. Ladies and gentlemen, I have the honor of introducing Hon. A. A. Lesueur, President of the Press Association of Missouri.

PROCEEDINGS OF THE SENATE AND HOUSE OF REPRESENTATIVES
ON THE DAY OF MR. BURNES' DEATH.

SENATE.

THURSDAY, JANUARY 24, 1889.

PRAYER.

The Chaplain, Rev. J. G. BUTLER, D. D., offered the following prayer:

O Thou who hast abolished death and hast brought life and immortality to light, the Prince of Life, our God and our Savior, we bow humbly, and thoughtfully, and soberly before Thee in the presence of death, and thank Thee that we may live this life with all its possibilities and hopes. We pray Thee comfort the bereaved ones; sustain, and strengthen, and sanctify. Overrule for good all that is dark and trying and afflictive, and enable us so to live that we may serve our generation faithfully in the fear and love of God.

Grant that this great Government may be so imbued with the spirit of justice, and of truth, and of right, so baptised into the life of Him who came that He might minister to men, that it may be helpful to all who are in need, and that the interests of this great land of ours, under the guidance of these Thy servants thus exalted, may be advanced.

Guide us this day. Help us so to walk in Thy fear, conscious of Thy nearness. Teach us our frailties. Teach us our dependence upon Thee. And seeking Thee, O God, we know that Thou wilt be found of us, and that Thy peace—the peace of God which passeth all understanding—shall keep our hearts and minds. Grant that as we have served our generation faithfully we may fall asleep and be gathered to our fathers. We ask it all in the name of Christ, our Redeemer. Amen.

THE JOURNAL.

The journal of yesterday's proceedings was read and approved.

DEATH OF HON. JAMES N. BURNES.

A message from the House of Representatives, by Mr. CLARK, its Clerk, communicated to the Senate the intelligence of the death of Hon. JAMES N. BURNES, late a Representative from the State of Missouri, and the resolutions of that body thereon.

Mr. COCKRELL. Mr. President, it becomes my most painful duty to announce to the Senate the very sudden and unexpected death of our distinguished colleague in the House of Representatives, the Hon. JAMES NELSON BURNES, Representative from the Fourth Congressional district of Missouri, who was stricken with paralysis at his post of duty, discharging his onerous labors in the House of Representatives, at 2 o'clock yesterday afternoon, and died at 12.45 o'clock this morning.

I offer a resolution, which I send to the desk, and ask its immediate consideration.

The PRESIDENT *pro tempore*. The resolution will be read.
The Chief Clerk read as follows :

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. JAMES N. BURNES, late a member of the House of Representatives from the State of Missouri.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.
The resolution was agreed to unanimously.

Mr. COCKRELL. I now ask that the message from the House of Representatives may be laid before the Senate.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a message from the House of Representatives, which will be read.

The Chief Clerk read as follows :

IN THE HOUSE OF REPRESENTATIVES, *January 24, 1889.*

Resolved, That the House has heard with profound sorrow the announcement of the death of Hon. JAMES N. BURNES, late a Representative from the State of Missouri.

Resolved by the House of Representatives (the Senate concurring), That a select committee, consisting of seven members of the House and three members of the Senate, be appointed to take order for superintending the funeral and to escort the remains of the deceased to their place of burial, and that the necessary expenses attending the execution of this order be paid out of the contingent fund of the House.

Resolved, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for properly carrying out the provisions of these resolutions.

Resolved, That the Clerk communicate the foregoing resolutions to the Senate, and that, as a further mark of respect to the memory of the deceased, the House do now adjourn.

Mr. COCKRELL. I offer a resolution, which I send to the desk, and ask for its immediate consideration.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read as follows :

Resolved, That the Senate concur in the resolution of the House providing for the appointment of a select committee to take order for superintending the funeral and to escort the remains of the deceased to the place of burial, and that the committee on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution offered by the Senator from Missouri.

The resolution was agreed to *nem. con.*

The PRESIDENT *pro tempore*. The Chair announces the members of the committee authorized by the resolution, on the part of the Senate, as follows : Messrs. VEST, COKE, and TELLER.

Mr. VEST. I offer the following resolution :

Resolved, That as an additional mark of respect to the memory of the deceased, the Senate do now adjourn.

The motion was agreed to, and (at 12 o'clock and 33 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 25, 1889, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, JANUARY 24, 1889.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D., as follows:

Almighty God, since last we gathered in this place a representative of the people has fallen at his post, doing his duty manfully and faithfully, as though he had fallen in the charge at the cannon's mouth, or in the deadly breach, and therefore entitled to worthy and honorable recognition and commemoration.

As we look at the desk draped in black, and at the empty seat, and think of our friend who only yesterday was with us and to-day is beyond the stars, grant that the solemn meaning and mysteries of life may rest upon every heart, not to unnerve and appall, but to fix in every breast the high resolve to live nobly, truly, simply, for the country's interest and honor, and for the welfare of our fellow-men; and that we shall walk before Thee in all Thy commandments blameless.

Hear our devout petitions, we beseech Thee, in behalf of the wife who has been widowed and the children orphaned—the fatherless children who have lost their best earthly friend and protector. Comfort and cheer them, we beseech Thee; and may they find in the faith and in the love and presence of Christ that only consolation which the broken heart can discover upon this earth.

We pray through his great name, our Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

DEATH OF HON. JAMES N. BURNES.

Mr. DOCKERY. Mr. Speaker, the sad duty has been devolved upon me by the Representatives in Congress from Missouri of announcing to the House the death of Hon. JAMES N. BURNES, late a Representative of the Commonwealth of Missouri. His death occurred at Willard's Hotel, in this city, at 12.46 o'clock this morning, after an illness of less than ten hours.

At some time in the near future, Mr. Speaker, the Missouri delegation will ask the House to suspend its ordinary proceedings to pay a fitting tribute to the worth of the eminent gentleman who so recently was one of our esteemed colleagues, and whose death is a calamity, not only to the great State he served so long and so ably, but also to the nation.

Mr. Speaker, I offer for present consideration the resolutions I send to the desk.

The SPEAKER. The resolutions will be read.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow the announcement of the death of Hon. JAMES N. BURNES, late a Representative from the State of Missouri.

Resolved by the House of Representatives (the Senate concurring), That a select committee, consisting of seven members of the House and three members of the Senate, be appointed to take order for superintending the funeral, and to escort the remains of the deceased to their place of burial, and that the necessary expenses attending the execution of this order be paid out of the contingent fund of the House.

Resolved, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for properly carrying out the provisions of this resolution.

Resolved, That the Clerk communicate the foregoing resolutions to the Senate; and that, as a further mark of respect to the memory of the deceased, the House do now adjourn.

The resolutions were unanimously agreed to.

Pending the announcement of the result,

The SPEAKER said: The Chair will appoint during the day the members of the House provided for in the resolutions just adopted, and will communicate the same to the Sergeant-at-Arms.

The result of the vote was then announced.

And accordingly (at 12 o'clock and 7 minutes p. m.) the House adjourned.

The members of the committee appointed by the speaker were: Messrs. STONE, MANSUR, and WADE, of Missouri; SAYRES, of TEXAS; MORRILL, of Kansas; BYNUM, of Indiana, and HENDERSON, of IOWA.

RESOLUTIONS OF CONDOLENCE.

RESOLUTION OF COMMITTEE ON APPROPRIATIONS OF THE HOUSE OF REPRESENTATIVES, THURSDAY,
JANUARY 24, 1889.

Mr. LONG offered the following resolution, which was agreed to :

Resolved, That the Committee has heard with profound sorrow of the death of Hon. JAMES N. BURNES, late a representative from the State of Missouri and a member of this Committee.

Resolved, That as a token of respect to the memory of the deceased the Committee do now adjourn.

RESOLUTIONS OF THE SENATE AND HOUSE OF THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI.

Resolved, That this house has heard with profound sorrow of the death of Hon. JAMES N. BURNES, late a Congressman from the Fourth Congressional district of this State, and extend to his afflicted family sincere sympathy and condolence in this sad bereavement.

Resolved, That by his death the country has sustained a severe loss. He was an able legislator, a gifted orator, a tribune of the people, whose rights he defended with unselfish devotion. A man of ripe judgment and great experience in affairs, he resolutely devoted every energy of his mind to a thorough investigation of whatever business he was engaged upon, and always with a laudable ambition to promote the best interests of all classes of our people. To the discharge of his public duties he applied the resources of a mind richly endowed by nature with rare intellectual gifts. Cautious, he seldom committed a mistake; honest, he always looked to the advancement of the general welfare; diligent, his industry knew no limits but a complete mastery of every subject under consideration; patriotic, he exhausted the strength and resources of his great nature by overwork, and with heroic courage sacrificed his life on the altar of public duty. The people of Missouri will ever reverence his name and treasure the memory of his many virtues.

Resolved, That the clerk of the house be directed to transmit to the family of the deceased an engrossed copy of these resolutions.

RESOLUTIONS OF THE SENATE OF KANSAS.

TOPEKA, KANS., *January 24.*

In the senate to-day Mr. Carroll, of Leavenworth, introduced the following resolutions, which passed unanimously :

Whereas the people of Kansas learn with profound regret of the death of Congressman JAMES N. BURNES, of Missouri: Therefore,

(477)

Be it resolved by the Senate of the State of Kansas, That in the death of Colonel Burnes this State has lost a warm supporter, the West a loyal friend and leading legislator, and the country at large an honest, wise, and consistent statesman.

Resolved, That the sympathy and condolence of this body be extended to the family of Colonel Burnes in this affliction.

Resolved, That the secretary of the senate be instructed to send a copy of these resolutions to the family of the deceased statesman.

Messrs. Osborne, Kelly of McPherson, and Elliston made brief speeches eulogistic of Mr. BURNES before the resolution was voted upon.

RESOLUTIONS OF THE CITY COUNCIL OF THE CITY OF ST. JOSEPH, MO.

Whereas we have learned with profound sorrow and regret of the death of Hon. JAMES N. BURNES, our Congressman and fellow townsman; and

Whereas we deem it well and proper to give an expression of the loss which this community has suffered by his death: Therefore,

Be it resolved, That we, the common council of the city of St. Joseph, recognize in the death of Col. JAMES N. BURNES that the city has lost one of its most valued, progressive, and honest citizens; the district a watchful and faithful servant, and the country a wise and patriotic statesman, for whose loss a nation mourns; and,

Be it further resolved, That we, in behalf of the citizens of St. Joseph, extend to his family sincere condolence in this hour of its greatest affliction.

Resolved, That the common council and city officials attend the funeral of the deceased in a body; and that the flags upon the public buildings of the city be placed at half-mast until after the funeral.

Be it further resolved, That these resolutions be spread upon the records of the common council, and that the clerk be instructed to furnish the family of the deceased with a copy.

RESOLUTIONS PASSED AT A SPECIAL COUNCIL OF POCAHONTAS TRIBE, NO. 10, I. O. R. R. M.

Whereas it has pleased the Great Spirit of the universe to call our beloved and distinguished brother, JAMES N. BURNES, to the happy hunting grounds of his fathers: Therefore,

Be it resolved, That while we deeply mourn the loss of our brother, we humbly submit to the dispensation of the Great Spirit, believing that in leaving this forest of care and trouble he was received to enjoy the reward of his labors in that happy hunting ground whence no traveler returns.

Resolved, That in the death of our esteemed brother the nation has lost an honored statesman, the State a beloved son, the district an able Representative, these hunting grounds a faithful friend, and this tribe a true and brave chief.

Resolved, That we submit with humble obedience to the will of the Great Spirit, who has removed from the forest of life our beloved brother.

Resolved, That our charter be draped in mourning for two moons, and these resolutions be inserted in the daily papers, a copy furnished to his bereaved family, and be engrossed upon the records of the tribe.

ST. JOSEPH TURNVEREIN.

Whereas the St. Joseph Turnverein and the Germans of the city of St. Joseph have lost in the deceased a warm friend and a man of honorable and lofty principles, the family a true and affectionate father and husband, and the citizens of the Fourth Congressional district of Missouri an eminent, highly gifted, and faithful Representative of national reputation, and the cause of personal liberty an energetic defender : Therefore,

Be it resolved, That we assure to the afflicted family our profound sympathy in their bereavement.

Resolved, That these resolutions be entered on the records of this association and a copy be transmitted to the family and to the press for publication.

THE TRADES ASSEMBLY.

We, the members of the Trades and Labor Assembly, recognizing that a great calamity has befallen the community in the sudden and sad death of Col. JAMES N. BURNES, member of Congress from the Fourth district, and regarding him as always a true friend of the laboring classes, an able Representative; and an honorable citizen, we hereby extend to the bereaved family our heartfelt sympathy in their sad bereavement; and that this meeting do now adjourn to attend the funeral ceremonies of the deceased.

RESOLUTIONS OF THE BAR OF ST. JOSEPH, MO.

JAMES N. BURNES, a distinguished citizen, for many years a loved and honored member of the bar of Buchanan county, having been removed by death, we who are permitted still to remain desire to express our respect for his eminent character and ability, our appreciation of his distinguished public services, and our sympathy with his stricken family in their sudden and terrible bereavement.

His character was such that those in whose sight he lived gladly committed to his keeping their most vital interests. With such ability and integrity did he acquit himself in the discharge of the public duties imposed upon him that he was counted one of the nation's greatest men, and reflected honor and credit upon all who so trusted him; so that we, his brothers of the bar, are to-day proud to read his illustrious name upon our roll.

Those of us who have enjoyed his personal friendship and confidence, and who have therefore loved him, are in his death truly bereaved; but we can only faintly realize the depth of the shadow of the great affliction which has fallen upon his family. While it is grateful to us to say to them that he whom they loved is enshrined in the heart of a nation, we know that God's angels, bearing His promises, will bring their only real consolation.

In order that it may be held in perpetual remembrance :

Be it resolved, That a certified copy of the proceedings of this meeting, including the foregoing tribute, be transmitted by the secretary to the family of the deceased; that another copy thereof be delivered by the secretary to the chairman of this meeting, to be by him presented to the circuit court for Buchanan county, with a request that the same be spread upon the records of said court; and that a

third copy thereof be delivered to a committee of one or more, to be appointed by the chairman, to be by said committee presented to the supreme court of Missouri, with the request that the same be spread upon its records.

RESOLUTIONS ADOPTED AT A MEETING OF THE COLORED CITIZENS OF ST. JOSEPH, MO.

Whereas the Great Arbiter of the affairs of man has seen fit in His infinite judgment to remove from our midst one whose career was surrounded by so much to call forth the praises of his fellow companions in that high branch of the National Government of which he was a most honored member, by so much to place, in this removal, a pall over the hearts of the people of this great State of Missouri, by so much to make it felt by his constituents of this Congressional district that his place in their profound respect cannot again be so fully filled, and by so much of kindly feeling toward the Afro-Americans of this community to make his memory to them ever green, in the person of Hon. JAMES N. BURNES; be it

Resolved, That we, the Afro-American citizens of the city of St. Joseph, while we humbly bow in submission to the will of the All-wise One, do hereby express our heartfelt regrets at the sudden demise, and that in his death we lose a friend for whom the warmest feelings shall ever live; and be it further

Resolved, That to the bereaved family of the deceased we extend our deepest sympathy and send them the hope that it has been said of their beloved one, "Well done, thou good and faithful servant, enter now in the joys of thy Lord;" and be it further

Resolved, That a copy of these resolutions be suitably engrossed and presented to his family.

RESOLUTIONS OF THE DEMOCRATIC CONGRESSIONAL CONVENTION

Assembled in St. Joseph, Mo., on February 11, 1889, to nominate a successor to Mr. BURNES, presented by Hon. Elijah H. Norton, late chief justice of the supreme court of Missouri, and unanimously adopted:

Resolved, That we are unwilling to enter upon the duties of this convention without pausing on the threshold of its proceedings to express our sorrow and profound regret for the cause which has occasioned our assembling together. More than six years ago the Democracy of this district, with a unanimity unparalleled, placed its honor and battle flag in the hands of Hon. JAMES N. BURNES. How well he preserved the one and advanced the other through all the vicissitudes of victory and defeat in the Presidential campaigns and various local contests, has passed into the political history of the district, State, and nation to which we can all point with exultation and pride. It is a consolation to us to know that he fell at his post with his harness on, doing all that man could do for the welfare of his own immediate constituency and of the country at large. Though he added greatly to his name and fame in the public service and died as the patriot loves to die, yet we deplore his untimely loss in the fullness of his powers, as one difficult to repair, and we hereby tender the stricken family the sympathy and condolence of each and every member of this convention.

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